AUTHENTICATED
U.S. GOVERNMENT
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Union Calendar No. 269

107TH CONGRESS, *2d Session* } HOUSE OF REPRESENTATIVES { REPORT 107–454

JUSTICE UNDONE: CLEMENCY DECISIONS IN THE CLINTON WHITE HOUSE

MAY 14, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BURTON, from the Committee on Government Reform submitted the following

SECOND REPORT

On March 14, 2002, the Committee on Government Reform approved and adopted a report entitled "Justice Undone: Clemency Decisions in the Clinton White House." The chairman was directed to transmit a copy to the Speaker of the House.

APPENDICES

APPENDIX I.—COMMITTEE CORRESPONDENCE

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 25, 2001

John M. Quinn
Quinn Gillespie & Associates, L.L.C.
1133 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Request for Documents

Dear Mr. Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

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Minority (202) 225–5051

January 25, 2001

Robert F. Fink. Esq.
Piper Marbury Rudnick & Wolfe, L.L.P.
1251 Avenue of the Americas
New York, New York 10020

Re: Request for Documents

Dear Mr. Fink:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

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Requested Items

Please produce to the Committee the following records:

1. All billing records reflecting work relating to efforts to obtain an Executive Grant of Clemency for Marc Rich or Pincus Green;

2. All records provided to any government office relating to an Executive Grant of Clemency for Marc Rich or Pincus Green; and

3. All records relating to contacts with any government official relating to an Executive Grant of Clemency for Marc Rich or Pincus Green.

Please produce the requested items by the close of business on February 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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January 25, 2001

The Honorable Eric Holder
Acting Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear Mr. Holder:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

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Requested Items

Please produce to the Committee the following records:

1. All records relating to the Executive Grant of Clemency for Marc Rich and Pincus Green;

2. All records provided by any other office within the Department of Justice to the Office of the Pardon Attorney relating to Marc Rich or Pincus Green;

3. All records provided by the Justice Department to the White House relating to Marc Rich or Pincus Green, including, but not limited to, any recommendations or reports on clemency; and

4. All requests for clemency made by or on behalf of Marc Rich or Pincus Green.

Please produce the requested items by the close of business on Feburary 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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Minority (202) 225–5051

January 25, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

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Requested Items

Please produce to the Committee the following records:

1. All records from the Clinton Administration relating to the Executive Grant of Clemency for Marc Rich and Pincus Green;

2. All records provided by the Justice Department to the Clinton White House relating to Marc Rich or Pincus Green, including, but not limited to, any recommendations or reports on clemency; and

3. All requests for clemency made to the Clinton Administration by or on behalf of Marc Rich or Pincus Green.

Please produce the requested items by the close of business on February 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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January 25, 2001

Kathleen A. Behan, Esq.
Arnold & Porter
555 12th Street, N.W.
Washington, D.C. 20004

Re: Request for Documents

Dear Ms. Behan:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

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Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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January 25, 2001

The Honorable Eric Holder
Acting Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Marc Rich and Pincus Green

Dear Mr. Holder:

The Committee on Government Reform is investigating the Presidential pardons which were recently granted to Marc Rich and Pincus Green. As part of this investigation, the Committee would like answers to the following two questions:

1. For which specific acts were Mr. Rich and Mr. Green pardoned?

2. Does the Justice Department have any knowledge of Mr. Rich or Mr. Green entering the United States at any point between their flight from the United States in 1983 and the present?

Please provide the requested information by January 29, 2001. If you have any questions about this request, please have your staff contact James C. Wilson, the Committee's Chief Counsel, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
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January 26, 2001

The Honorable George J.Tenet
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Tenet:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into the pardon of Marc Rich, a commodities trader who fled the United States after he was indicted for tax, fraud, and racketeering charges. To this end, the Committee requests your assistance in gathering information relating to Marc Rich and his former partner, Pincus Green.

To the Committee's knowledge, Mr. Rich emigrated to the United States from Belgium in the early 1940's, and became a U.S. citizen in 1947. However, Mr. Rich's attorney, Robert Fink, indicated that Mr. Rich renounced his citizenship in the early 1980's, after he had fled the United States in 1983. According to media reports, Mr. Rich now holds dual citizenship from both Israel and Spain. Likewise, Mr. Green fled the country in 1983. At this time, the Committee has no information about Mr. Green's citizenship status.

The Committee requests that you search your files for any information you may have on Marc Rich and Pincus Green. I understand that there are many demands on your resources, but am willing to work with you in order to gather this information quickly. I would like a briefing sometime during the week of January 29, 2001. Please have your staff contact Senior Counsel Kristi L. Remington at (202) 225-5074 with any questions. Thank you for your assistance in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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January 25, 2001

Lt. General Michael Hayden
Director
National Security Agency
9800 Savage Road
Fort Meade, MD 20755-6000

Dear General Hayden:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into the pardon of Marc Rich, a commodities trader who fled the United States after he was indicted for tax, fraud, and racketeering charges. To this end, the Committee requests your assistance in gathering information relating to Marc Rich and his former partner, Pincus Green.

To the Committee's knowledge, Mr. Rich emigrated to the United States from Belgium in the early 1940's, and became a U.S. citizen in 1947. However, Mr. Rich's attorney, Robert Fink, indicated that Mr. Rich renounced his citizenship in the early 1980's, after he had fled the United States in 1983. According to media reports, Mr. Rich now holds dual citizenship from both Israel and Spain. Likewise, Mr. Green fled the country in 1983. At this time, the Committee has no information about Mr. Green's citizenship status.

The Committee requests that you search your files for any information you may have on Marc Rich and Pincus Green. I understand that there are many demands on your resources, but am willing to work with you in order to gather this information quickly. I would like a briefing sometime during the week of January 29, 2001. Please have your staff contact Senior Counsel Kristi L. Remington at (202) 225-5074 with any questions. Thank you for your assistance in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 25, 2001

Joe Andrew
National Chair
Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

Re: Request for Documents

Dear Chairman Andrew:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or

"records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee the following records:

1. All records relating to the Executive Grant of Clemency for Marc Rich and Pincus Green;

2. All records relating to requests for clemency made by or on behalf of Marc Rich or Pincus Green; and

3. All records relating to contacts between the DNC and Marc Rich or Denise Rich, or their representatives, between October 1, 2000, and January 24, 2001.

Please produce the requested items by the close of business on February 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 30, 2001

The Honorable Eric Holder
Acting Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Holder:

As you know, on January 25, 2001, I asked the Justice Department to enumerate the specific acts for which Marc Rich and Pincus Green were pardoned. During a telephone conversation at 6:45 p.m. yesterday, your staff informed my staff that the Justice Department currently does not know for which acts Marc Rich and Pincus Green were pardoned.

If, at any point in the future, the Department of Justice is told what Mr. Rich and Mr. Green were pardoned for, I would appreciate your providing this information to the Committee as soon as possible.

Thank you for your prompt response to my inquiry.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 31, 2001

Morris Weinberg, Jr., Esq.
Zuckerman, Spaeder, Taylor & Evans, L.L.P.
401 East Jackson Street
Suite 2525
Tampa, Florida 33602

Dear Mr. Weinberg:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding your role in the investigation and indictment of Mr. Rich when you served as Assistant U.S. Attorney for the Southern District of New York.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

Jan-31-2001 11:25am From-O'MELVENY & MYERS LLP 202 383 5414 T-739 P.002/002 F-710

O'MELVENY & MYERS LLP

LOS ANGELES
CENTURY CITY
IRVINE
NEWPORT BEACH
NEW YORK
SAN FRANCISCO

555 13th Street, N.W.
Washington, D.C. 20004-1109
TELEPHONE (202) 383-5300
FACSIMILE (202) 383-5414
INTERNET: www.omm.com

TYSONS CORNER
HONG KONG
LONDON
SHANGHAI
TOKYO

January 31, 2001

OUR FILE NUMBER
600,000-003

WRITER'S DIRECT DIAL
202-383-5388

WRITER'S E-MAIL ADDRESS
aculvahouse@omm.com

James C. Wilson, Esq.
Chief Counsel
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Jim:

This letter is to confirm that we represent Arnold & Porter and Kathleen A. Behan in connection with the investigation by the Committee on Government Reform into the pardons of Marc Rich and Pincus Green. As we discussed yesterday afternoon, we will be in a position early next week to give you a status report and hope and expect to be able to make at least a partial production of the records you have requested at that time.

I will be out of town for a few days, back in the office on Friday. In the meantime, please feel free to call my partner John Rogovin at (202) 383-5108 if you have any questions.

Sincerely,

Arthur B. Culvahouse, Jr.
of O'MELVENY & MYERS LLP

cc: John A. Rogovin, Esq.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 31, 2001

The Honorable Eric Holder
Acting Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Holder:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the role of the Department of Justice in the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding the Rich pardon, including your communications with the White House, Jack Quinn, the office of the United States Attorney for the Southern District of New York, and the Office of the Pardon Attorney at the Department of Justice.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 31, 2001

Jack Quinn, Esq.
1133 Connecticut Avenue, NW
2nd Floor
Washington, DC 20009

Dear Mr. Quinn:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding your work on the Rich pardon, including your communications with the White House and the Department of Justice, among others.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

January 31, 2001

Beth Nolan, Esq.
3900 Connecticut Avenue, NW
Washington, DC 20008

Dear Ms. Nolan:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

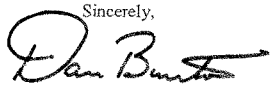
The Committee will inquire about the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding the Rich pardon, including your communications with Jack Quinn and the Department of Justice, among others.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 1, 2001

Roger C. Adams
Pardon Attorney
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Grants of Executive Clemency by President Clinton on January 20, 2001

Dear Mr. Adams:

I am writing regarding the grants of executive clemency made by President Clinton to a number of individuals on January 20, 2001. It has come to the Committee's attention that the Justice Department may not have received copies of the clemency applications for certain individuals listed in the January 20, 2001, master warrant. The master warrant grants clemency to the named individuals "for those offenses against the United States described in each such request." The Committee is concerned that if certain individuals did not submit valid applications for clemency, the President's grant of clemency to those individuals may be legally suspect. Specifically, if an application describing an offense, or offenses, does not exist, then it may not be possible for you to effect the President's decision. In the event that you have no basis for determining the matter subject to the pardon decision, then to use discretion to discern the scope of the pardon may be an impermissible exercise of a power reserved exclusively for the President.

Therefore, I would like to know whether the Justice Department has received the clemency applications for the following named individuals:

1. Tansukhlal Bhatka
2. Almon Glenn Braswell
3. John H. Bustamante
4. Eloida Candelaria
5. Henry G. Cisneros
6. Roger Clinton
7. John F. Cross, Jr.

8. Rickey Lee Cunningham
9. Richard Douglas
10. Edward Reynolds Downe
11. Robert Clinton Fain
12. Alvarez Ferrouillet
13. William Denis Fugazy
14. Lloyd Reid George
15. Louis Goldstein
16. Rubye Lee Gordon
17. John Hemmingson
18. Linda Jones
19. James Howard Lake
20. James Timothy Maness
21. John Robert Martin
22. Frank Ayala Martinez
23. Silvia Leticia Beltran
24. Susan H. McDougal
25. Miguelina Ogalde
26. Richard H. Pezzopane
27. Orville Rex Phillips
28. Charles D. Ravenel
29. Howard Winfield Riddle
30. Gerald Glen Rust
31. Jerri Ann Rust
32. Adolph Schwimmer
33. Stephen A. Smith
34. John Fife Symington III
35. Gary Allen Thomas
36. Larry Weldon Todd
37. Patricia A. Van De Weerd
38. Christopher V. Wade
39. Jack L. Williams
40. Jimmie Lee Wilson
41. Mitchell Couey Wood
42. William Stanley Yingling
43. Velinda Desalus
44. Kimberly D. Johnson
45. Arnold Paul Prosperi
46. Dorothy Rivers
47. Thomas Wilson Waddell III

For each clemency application the Department has received for these individuals, please inform the Committee of (1) whether the application was filed with the Justice Department before the President decided to grant clemency, and (2) whether the

application was pending at the time the President decided to grant clemency. Please respond to this request by February 7, 2001.

Sincerely,

James C. Wilson
Chief Counsel

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 1, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter of January 25, 2001, which requested information about the pardons granted on January 20, 2001 by President Clinton to Marc Rich and Pincus Green.

Based upon our review of the relevant documents, we have concluded the Messrs. Rich and Green were pardoned for the offenses charged in the 1983 indictment, a copy of which is enclosed for your reference. The master warrant signed by President Clinton on January 20th states: "After considering the requests for executive clemency of the following named persons, I hereby grant full and unconditional pardons to the following named persons for those offenses against the United States described in each such request." Among those named in the master warrant are Messrs. Rich and Green. In a section styled "Offense for which Pardon is Sought," the pardon request submitted to the White House by their counsel states: "Mr. Rich has not been convicted of any offenses. Mr. Rich has been under indictment in the Southern District of New York for more than 17 years. A copy of the indictment is attached as Exhibit A." Identical language is included with respect to Mr. Green.

We have contacted the Federal Bureau of Investigation to obtain information about whether Mr. Rich or Mr. Green has entered the United States since 1983 and we will supplement this response as soon as that information become available.

I hope this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Sheryl L. Walter

cc: The Honorable Henry Waxman
Ranking Minority Member

Received 2-1-01

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 1, 2001

The Honorable Paul H. O'Neill
Secretary of the Treasury
United States Department of Treasury
1500 Pennsylvania Avenue N.W.
Washington, D.C. 20220

Re: Request for Documents

Dear Secretary O'Neill:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like

and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

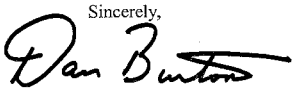
9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records from the Office of Foreign Assets Control relating to Marc Rich or Pincus Green, including, but not limited to, all records relating to the freezing of Cuban assets belonging to Marc Rich, or any of his companies, between 1991 and 1994.

Produce the requested items by the close of business on February 5, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 2, 2001

Martin J. Auerbach, Esq.
747 Third Avenue
11th Floor
New York, NY 10017

Dear Mr. Auerbach:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding your role in the investigation and indictment of Mr. Rich when you served as Assistant U.S. Attorney for the Southern District of New York.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 5, 2001

John M. Quinn
Quinn Gillespie & Associates, L.L.C.
1133 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Request for Documents

Dear Mr. Quinn:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to your representation of Marc Rich or Pincus Green, excluding records previously produced to the Committee.

Please produce the requested items by the close of business on February 7, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 5, 2001

Bruce Lindsey, Esq.
Office of Former President Clinton
Washington, DC 20503-0730

Dear Mr. Lindsey:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich." The hearing is scheduled for February 8, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardon that was granted to Marc Rich on January 20, 2001. Accordingly, I request that you appear at the Committee's February 8, 2001, hearing to provide the Committee with information regarding the Rich pardon, including your communications with Jack Quinn and the Department of Justice, among others. This letter confirms the verbal request left on your office voice mail system earlier today. If we do not hear from you for some reason, we will send a subpoena for your appearance at a subsequent hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
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Majority (202) 225-5074
Minority (202) 225-5051
February 5, 2001

Carol Elder Bruce, Esq.
Tighe, Patton, Armstrong & Teasdale
1747 Pennsylvania Avenue, N.W., Suite 300
Washington, D.C. 20006

Re: Denise Rich

Dear Ms. Bruce:

As you know, the Committee on Government Reform is conducting an investigation into the pardons issued by former President Clinton to Marc Rich and Pincus Green. As part of that investigation, the Committee would like your client, Denise Rich, to answer a number of questions. When Committee staff were contacted by you on February 2, 2001, they requested an interview with Ms. Rich, and you made it clear that Committee staff would not likely be able to interview Ms. Rich in the near future. I understand that this is a stressful time for your client, and I do not wish to add to her discomfort unnecessarily. Therefore, I am submitting a number of written questions. If Ms. Rich can answer the questions in writing, by 12:00 p.m., February 8, 2001, it will greatly assist the Committee's inquiry. In addition, Ms. Rich's written responses may make it unnecessary for the Committee to call Ms. Rich as a witness at public hearings. If Ms. Rich fails to answer these questions, it will be necessary to subpoena her to testify before the Committee during the week of February 12, 2001.

Please have Ms. Rich answer the following questions:

1. Were all political contributions made by you between 1992 and the present made with your own money?

2. Were you reimbursed for any political contribution made by you?

3. Were you ever provided with money by any individual so that you could make a political contribution?

4. Are you aware of any communications with Marc Rich or his advisers that suggested to you that either you or your children would benefit financially as a consequence of your support of Marc Rich's pardon?

5. Provide a listing of all bank account information, including the name of the bank and account number, for all accounts used to make political contributions to political candidates or political campaign committees, or the Presidential Library Foundation, the Clinton Presidential Foundation, the Clinton Legal Expense Trust, or the Presidential Legal Expense Trust, between 1992 and the present.

6. How much money have you given or pledged toward the Clinton library?

7. Did you ever discuss a presidential pardon with Marc Rich? If so, describe the substance, place and time of such discussions.

8. Did you ever discuss a presidential pardon with any adviser to, employee of, or attorney to, Marc Rich? If so, describe the substance, place and time of such discussions.

9. Describe all contacts you have had with President Bill Clinton regarding your former husband, Marc Rich.

10. Did you ever discuss a pardon for Marc Rich with President Clinton? If so, describe the substance, place and time of such discussions.

11. Did you ever discuss a pardon for Marc Rich with any other White House staff? If so, describe the substance, including the place and time, of such discussions.

12. Did you ever discuss a pardon for any other individual with President Clinton or any other White House staff? If so, please describe the substance, the identity of the individual seeking the pardon, and the place and time of such discussions.

13. Please list all gifts that you have given either to former President Clinton or to Senator Hillary Rodham Clinton.

14. Did you provide an initial draft of your letter in support of Mr. Rich's pardon to any of his attorneys? If not, did they provide the initial draft of the letter supporting Mr. Rich's pardon to you?

Please provide written answers to the foregoing questions, signed by Ms. Rich, by 12:00 p.m. February 8, 2001. If you have any questions about this matter, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

TIGHE PATTON ARMSTRONG TEASDALE, PLLC
ATTORNEYS AT LAW

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CAROL ELDER BRUCE
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E-MAIL: CBRUCE@TIGHEPATTON.COM

February 5, 2001

By facsimile(202) 225-3974
James Wilson, Chief Counsel
Committee on Government Reform
2187 Rayburn House Office Building
Washington, D.C. 20515

Dear Jim:

It was good talking with you last Friday. I am writing to confirm our conversation. As you know, I represent Denise Rich and am working with her personal attorney, Martin Pollner of Loeb & Loeb, in this representation. I understand that the Committee has scheduled a Hearing for this Thursday, February 8, regarding the pardon granted to Ms. Rich's former husband, Marc Rich. Ms. Rich has every intention of cooperating as fully as possible with your Committee, but, as I indicated, requests and appreciates the Committee's indulgence in giving her additional time to prepare for such cooperation.

As I am sure you can understand, the recent controversy regarding this pardon has caused Ms. Rich to relive some painful times in her life, particularly the death of her daughter, Gabrielle, and her acrimonious divorce from Mr. Rich. As a result, she needs some time to regain the composure and concentration necessary to answer your questions responsibly and accurately. In addition, Mr. Pollner and I need more time to gather information regarding the events leading up to the pardon so that we will be able both to effectively advise our client and to fully assist the Committee in its inquiry.

Ms. Rich is not seeking sympathy for her position. She has every intention, as I indicated above, to cooperate fully with your Committee and to help it accomplish its important work to the best of her ability. I believe some additional time will be beneficial in meeting this goal.

Please do not hesitate to contact me if you would like to discuss this further. As I indicated in my phone call, I'd be happy to meet with you at a mutually convenient time this week to discuss the matter. I look forward to working with you again, Jim, and am sure we can work out any timing or scheduling concerns you may have in this matter.

Sincerely,

Carol Elder Bruce

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February 5, 2001

By facsimile(202) 225-3974
James Wilson, Chief Counsel
Committee on Government Reform
2187 Rayburn House Office Building
Washington, D.C. 20515

Dear Jim:

Our faxes crossed each other. I just received yours. I will be meeting with Ms. Rich and will be back in touch with you before 12 noon on Thursday. Thank you and the Chairman again for your consideration.

Sincerely,

Carol Elder Bruce

O'MELVENY & MYERS LLP

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February 5, 2001

OUR FILE NUMBER
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BY HAND DELIVERY

The Honorable Dan Burton
Chairman, Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

I am enclosing on behalf of Kathleen A. Behan materials that are responsive to the Committee's request (dated January 25, 2001) for certain records related to the pardons of Marc Rich and Pincus Green. These materials are labelled A0001 through A0516. We anticipate being in a position to make a further production of the balance of records that are responsive to the Committee's request by, we hope and expect, mid-day tomorrow. At that time, we also anticipate providing a log of records that are responsive but which are covered by the attorney-client privilege and/or the attorney work product privilege.

Please note that we are also including a retention letter from Kathleen A. Behan to Mr. Marc Rich (dated July 21, 1999), relating to Arnold & Porter's representation of Mr. Rich before the Department of Justice during calendar year 1999. Although we do not believe this letter is called for by the Committee's request, we have nevertheless included it as an assistance to the Committee. There has been discussion in the press about the fee amount that Marc Rich paid Arnold & Porter, and we believe this retention letter, along with the Arnold & Porter billing statement from January 16, 2001 (covering work performed in 2000), will assist the Committee in understanding the fees that were paid to Arnold & Porter in connection with its representation of Mr. Rich.

Please do not hesitate to call me at (202) 383-5388 if you have any questions or comments.

Sincerely,

Arthur B. Culvahouse, Jr.
of O'MELVENY & MYERS LLP

Enclosures
cc: The Honorable Henry A. Waxman, Ranking Minority Member

Received 2-6-01

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
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Majority (202) 225–5074
Minority (202) 225–5051

February 6, 2001

Martin D. Ginsburg
Professor of Law
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001

Dear Professor Ginsburg:

Pursuant to the Committee's investigation into the pardon of Marc Rich, it has come to our attention that you and Professor Bernard Wolfman of Harvard Law School prepared a legal analysis which Rich's attorney, Jack Quinn, included in his pardon application. With regard to that analysis, please answer the following questions:

- Were you compensated for working on the analysis?
- If so, how much were you compensated?
- If so, by whom were you compensated?

Please provide you answers in writing no later than February 13, 2001.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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February 6, 2001

Bernard Wolfman
Professor of Law
Harvard Law School
Cambridge, MA 03138

Dear Professor Wolfman:

Pursuant to the Committee's investigation into the pardon of Marc Rich, it has come to our attention that you and Professor Martin Ginsburg of Georgetown University Law Center prepared a legal analysis which Rich's attorney, Jack Quinn, included in his pardon application. With regard to that analysis, please answer the following questions:

- Were you compensated for working on the analysis?
- If so, how much were you compensated?
- If so, by whom were you compensated?

Please provide you answers in writing no later than February 13, 2001.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 6, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our response to your letter, dated January 25, 2001, and responds to the letter, dated February 1, 2001, from the Committee's chief counsel, regarding President Clinton's grants of clemency on January 20, 2001.

With regard to your letter of January 25th, we have been advised by the Federal Bureau of Investigation that they have no information indicating that Messrs. Rich or Green have entered the United States since 1983.

In response to Mr. Wilson's letter of February 1st, I want to advise you that the following persons did not file clemency applications with the Department of Justice prior to President Clinton's clemency grants of January 20, 2001:

1. Tansukhlal Bhatka
2. Almon Glenn Braswell
3. John H. Bustamante
4. Henry G. Cisneros
5. Roger Clinton
6. John F. Cross, Jr.
7. Richard Douglas
8. Edward Reynolds Downe
9. Robert Clinton Fain
10. Alvarez Ferrouillet
11. Lloyd Reid George
12. John Hemmingson
13. Linda Jones
14. James Howard Lake
15. James Timothy Maness
16. Susan H. McDougal
17. Richard H. Pezzopane

18. Charles D. Ravenel
19. Adolph Schwimmer
20. Stephen A. Smith
21. John Fife Symington III
22. Christopher V. Wade
23. Jack L. Williams
24. Jimmie Lee Wilson
25. William Stanley Yingling
26. Velinda Desalus
27. Kimberly D. Johnson
28. Arnold Raul Prosperi
29. Dorothy Rivers
30. Thomas Wilson Waddell III

Although the following persons had previously filed clemency applications with the Department of Justice, such applications had been denied by President Clinton on December 28, 1998, and thus were not pending with the Department at the time of President Clinton's clemency grants on January 20, 2001:

1. Rickey Lee Cunningham
2. Rubye Lee Gordon
3. John Robert Martin
4. Frank Ayala Martinez
5. Silvia Leticia Beltran Martinez
6. Miguelina Ogalde
7. Orville Rex Phillips
8. Howard Winfield Riddle
9. Gerald Glen Rust
10. Jerri Ann Rust
11. Gary Allen Thomas
12. Larry Weldon Todd
13. Patricia A. Van De Weerd
14. Mitchell Couey Wood

When Eloida Candelaria and William Denis Fugazy filed pardon applications, they were not eligible to apply because of the provision in the Rules Governing Petitions for Executive Clemency requiring a five year waiting period from the date of release from confinement or from the date of conviction, whichever is later, before a person is eligible to apply for this type of clemency. The Department considered their petitions as requests for waivers of this five year period and both requests were denied. Accordingly, neither had applications pending at the Department when the pardons were granted on January 20. The clemency application of Louis Goldstein was pending at the time of President Clinton's clemency grants of January 20, 2001.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Sheryl L. Walter

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 6, 2001

Sheryl L. Walter
U.S. Department of Justice
Office of Legislative Affairs
Washington, DC 20530

Dear Ms. Walter:

Thank you for your letter of February 6, 2001. I appreciate your providing information regarding the 46 individuals identified in the letter.

Although I now fully understand the status of the applications for these individuals as of January 20, 2001, has the Department of Justice received any additional pardon applications for these 46 individuals from the White House, or any agency of the government, since January 20, 2001? If so, please provide this information to the Committee.

Sincerely,

James C. Wilson
Chief Counsel

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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February 6, 2001

HAND DELIVERY

Honorable Dan Burton
Chairman, Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Request for Documents

Dear Mr. Chairman:

Pursuant to your Request for Documents to Mr. Robert Fink dated January 25, 2001, Piper Marbury Rudnick & Wolfe LLP is producing the enclosed documents.

Also enclosed, consistent with the Request, is a log of the documents withheld on grounds of privilege.

Because of the comparatively short time for production, we have not been able to include in the enclosed documents certain e-mails that are being restored from archive tapes and that are responsive to the Request for Documents. We expect to be able to provide copies of such responsive e-mails, and submit an amended privilege log, by tomorrow morning.

We thank you for your courtesy in extending the time for production.

Sincerely,

Andrew L. Deutsch

Enclosures

MARC RICH - PRIVILEGE LOG

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIVILEGE CLAIM
PMR&W 00396	12/18/00 6:10 PM	E-mail	Robert Fink	Rosemary Micciulli (Mr. Fink's secretary)		Instructions regarding letter	Work Product
PMR&W 00397	12/19/00 11:20 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding letter	Work Product
PMR&W 00397	12/19/00 11:11 AM	E-mail	Jack Quinn	Robert Fink		[attached to 12/19/00 11:20 am] Comments regarding third-party contacts with President	Work Product
PMR&W 00398	12/26/00 12:19 PM	E-mail	Robert Fink	Jack Quinn	Mike Green	Comments regarding contacting third party; client statements	Attorney-Client/ Work Product
PMR&W 00399	12/27/00 11:11 AM	E-mail	Robert Fink	Jack Quinn	Kitty Behan	Comments regarding contacting third party	Work Product
PMR&W 00400	12/28/00 10:49 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting third party	Work Product
PMR&W 00401	12/28/00 10:18 AM	E-mail	Robert Fink	Marc Rich		Comments regarding contacting third party	Attorney-Client/ Work Product
PMR&W 00090	12/30/00 3:41 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting third party	Work Product
PMR&W 00090	12/28/00 6:46 PM	E-mail	Jack Quinn	Robert Fink		[attached to 12/30/00 3:41 pm] Comments regarding contacting third party	Work Product
PMR&W 00402	12/30/00 3:37 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting; third party	Work Product
PMR&W 00402	12/30/00 12:41 PM	E-mail	Jack Quinn	Robert Fink		[attached to 12/30/00 3:37 pm] Comments regarding third-party contacts with President; comments regarding contact with DOJ official	Work Product
PMR&W 00404	1/5/01 11:20 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding third-party contacts with President	Work Product

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIVILEGE CLAIM
PMR&W 00403	1/5/01 5:11 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding third-party contact with President	Work Product
PMR&W 00162	1/10/01 11:20AM	E-mail	Robert Fink	Jack Quinn		Comments regarding letter	Work Product
PMR&W 00168	1/16/01 11:17 AM	E-mail	Robert Fink	Marc Rich		Comments regarding strategy	Work Product
PMR&W 00405	1/18/01 3:45 PM	E-mail	Robert Fink	Kitty Behan; Mike Green		Comments regarding draft of letter to President	Work Product
PMR&W 00405	1/18/01 3:23 PM	E-mail	Donna Brown	Mike Green		[attached to 1/18/01 3:45 pm] Comments regarding review of draft letter	Work Product
PMR&W 00406	1/19/01 6:08 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding communication to President	Work Product
PMR&W 00407	11/21/00	Facsimile	Robert Fink	Marc Rich		Letter regarding draft petition	Attorney-Client/ Work Product
PMR&W 00410	11/28/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00415	11/30/00	Facsimile	Robert Fink	Marc Rich/Claire Signer		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00416	11/30/00	Facsimile/ Letter	Pincus Green	Robert Fink		Fax and letter regarding draft petition	Attorney-Client/ Work Product
PMR&W 00422	12/5/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00421	12/5/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00426	12/5/00	Facsimile	Robert F. Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00428	12/5/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00432	12/6/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIVILEGE CLAIM
PMR&W 00434	12/6/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney-Client/ Work Product
PMR&W 00435	12/12/00	Letter	Robert Fink	Marc Rich		Letter regarding petition	Attorney-Client/ Work Product
PMR&W 00436	12/12/00	Letter	Robert Fink	Marc Rich		Letter regarding petition	Attorney-Client/ Work Product
PMR&W 00437	12/13/00	Letter	Robert Fink	Pincus Green		Letter regarding petition	Attorney-Client/ Work Product
PMR&W 00007	12/8/2000	Invoice		Marc Rich		Description of legal services	Attorney-Client/ Work Product
PMR&W 00021	12/19/00	Invoice		Marc Rich		Description of legal services	Attorney-Client/ Work Product
PMR&W 00027	12/19/00	Invoice		Pincus Green		Description of legal services	Attorney-Client/ Work Product
PMR&W 00035	1/26/00	Invoice		Marc Rich		Description of legal services	Attorney-Client/ Work Product
PMR&W 00045	1/31/01	Invoice		Marc Rich		Description of legal services	Attorney-Client/ Work Product
PMR&W 00060	1/16/01	Invoice		Marc Rich		Description of legal services	Attorney-Client/ Work Product

O'MELVENY & MYERS LLP

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February 6, 2001

OUR FILE NUMBER
600,000-003

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BY HAND DELIVERY

The Honorable Dan Burton
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Washington, D.C. 20515-6143

Dear Mr. Chairman:

I am enclosing on behalf of Kathleen A. Behan materials that are responsive to the Committee's request (dated January 25, 2001) for certain records related to the pardons of Marc Rich and Pincus Green. These materials are labelled A0517 through A0918. These records are in addition to the documents that we provided yesterday. We are, of course, mindful that the Committee's request is "continuing in nature" and will provide additional documents if any are located or discovered. In addition, I am also enclosing a "privilege log" of records that are responsive to the Committee's request but which are covered by the attorney-client privilege and/or the attorney work product privilege. We have been advised by Mr. Rich's principal counsel, Piper Marbury Rudnick & Wolfe, LLP, that he has not waived privileges as to these documents. Let me assure you, however, that every effort has been made to keep the assertion of privilege to a minimum.

We welcome the opportunity to work with you and your staff should you have any questions or concerns. Please do not hesitate to call me at (202) 383-5388 regarding the foregoing.

Sincerely,

Arthur B. Culvahouse, Jr.
of O'MELVENY & MYERS LLP

Enclosures
cc: The Honorable Henry A. Waxman, Ranking Minority Member

PRIVILEGE LOG
KATHLEEN A. BEHAN

KEY

Behan: Kathleen A. Behan, Esq. (Arnold & Porter)
Brown: Donna Brown, Legal Secretary to Kathleen A. Behan (Arnold & Porter)
Fink: Robert Fink, Esq. (Piper Marbury Rudnick & Wolfe)
M. Green: Michael Green, Esq. (Dickstein Shapiro Morin & Oshinsky, LLP)
Hepworth: Michel Hepworth, Esq. (Piper Marbury Rudnick & Wolfe)
Man: Christopher Man, Esq. (Arnold & Porter)
Moore: April Moore, Assistant to John M. "Jack" Quinn, Esq.
Quinn: John M. "Jack" Quinn, Esq.
M. Rich: Marc Rich

NO.	DATE	DOCUMENT TYPE	AUTHOR/SENDER	ADDRESSEES	DESCRIPTION/TOPIC	PRIVILEGE
1.	Unknown	Handwritten Notes	Behan	N/A	Legal Strategy	Attorney Work Product
2.	11/16/00	Email	Behan	Fink	Content of Pardon Application	Attorney Work Product
3.	11/16/00	Email	Quinn	Behan	Legal Strategy	Attorney Work Product
4.	11/20/00	Email	Fink	Behan	Legal Research	Attorney Work Product
5.	11/22/00	Email	Behan	Quinn	Scope of Pardon Application	Attorney Work Product Attorney Client Communication
6.	11/22/00	Email	Quinn	Behan	Scope of Pardon Application	Attorney Work Product Attorney Client Communication
7.	11/27/00	Email	Behan	Fink (cc: Quinn)	Scope of Pardon Application	Attorney Work Product Attorney Client Communication
8.	11/27/00	Email	Fink	Behan	Content of Pardon Application	Attorney Work Product Attorney Client Communication

NO.	DATE	DOCUMENT TYPE	AUTHOR/SENDER	ADDRESSEES	DESCRIPTION/TOPIC	PRIVILEGE
9.	11/27/00	Email	Quinn	Behan Fink (cc: Quinn)	Legal Strategy	Attorney Work Product Attorney Client Communication
10.	12/01/00	Email	Hepworth	Behan Man Fink	Legal Research Content of Pardon Application	Attorney Work Product
11.	12/03/00	Email	Fink	M. Rich (cc: Behan)	Potential Support for Pardon Application	Attorney Work Product Attorney Client Communication
12.	12/04/00	Email	Behan	Brown	Content of Pardon Application (forwards 12/3/00 email from Fink to Behan, cc: M. Rich and M. Green)	Attorney Work Product Attorney Client Communication
13.	12/04/00	Email	Behan	Brown	Content of Pardon Application	Attorney Work Product Attorney Client Communication
14.	12/05/00	Email	Man	Behan	Legal Research	Attorney Work Product
15.	12/06/00	Email	Behan	Fink	Legal Research Content of Pardon Application Support for Pardon Application	Attorney Work Product
16.	12/06/00	Email	Fink	Behan	Legal Research Content of Pardon Application Support for Pardon Application	Attorney Work Product
17.	12/07/00	Email	Behan	Quinn	Legal Strategy	Attorney Work Product
18.	12/07/00	Email	Behan	Fink	Potential Support for Pardon Application	Attorney Work Product
19.	12/07/00	Email	Fink	Behan	Potential Support for Pardon Application	Attorney Work Product
20.	12/07/00	Email	Quinn	Behan	Content of Pardon Application	Attorney Work Product
21.	12/07/00	Email	Quinn	Behan (cc: Moore)	Legal Strategy	Attorney Work Product

NO.	DATE	DOCUMENT TYPE	AUTHOR/SENDER	ADDRESSEES	DESCRIPTION/TOPIC	PRIVILEGE
22.	12/07/00	Email	Quinn	Behan	Legal Strategy	Attorney Work Product
23.	12/07/00	Fax	Quinn	Behan	Legal Strategy	Attorney Work Product
24.	12/07/00	Fax	Quinn	Behan	Legal Strategy	Attorney Work Product
25.	12/07/00	Fax	Quinn	Behan	Legal Strategy	Attorney Work Product
26.	12/07/00	Email	Quinn	Behan	Legal Strategy	Attorney Work Product
27.	12/08/00	Email	Behan	Quinn	Legal Strategy Content of Pardon Application	Attorney Work Product
28.	12/08/00	Email	Quinn	Behan Moore	Legal Strategy Content of Pardon Application	Attorney Work Product
29.	12/08/00	Email	Quinn	Behan	Legal Strategy Content of Pardon Application	Attorney Work Product
30.	12/19/00	Email	Fink	Behan	Legal Strategy Potential Support for Pardon Application	Attorney Work Product
31.	12/22/00	Email	Fink	Quinn Behan	Support for Pardon Application (recounting discussion with client)	Attorney Client Communication
32.	12/27/00	Email	Fink	Quinn (cc: Behan)	Potential Support for Pardon Application	Attorney Work Product Attorney Client Communication
33.	12/29/00	Email	Behan	Quinn	Legal Strategy	Attorney Work Product
34.	12/29/00	Email	Quinn	Behan	Legal Strategy	Attorney Work Product
35.	01/18/01	Email	Behan	Quinn	Legal Strategy	Attorney Work Product
36.	01/18/01	Email	Behan	Fink (cc: M. Green)	Legal Strategy	Attorney Work Product
37.	01/18/01	Email	Fink	Behan	Legal Strategy Support for Pardon Application	Attorney Work Product

February 6, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

This will acknowledge your letter of February 5, 2001, requesting that I testify at a hearing on the Marc Rich pardon scheduled for Thursday, February 8, 2001, at 10:00 a.m. I will be out of town on that date in connection with a previously planned business trip. For that reason, and others, I will not be able to accept your invitation.

Cordially yours,

Bruce R. Lindsey

Cc: The Honorable Henry A. Waxman
Ranking Minority Member

Received 2-6-01

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 7, 2001

Faith Burton
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Re: Holder Telephone Logs

Dear Ms. Burton:

Thank you for yesterday bringing to the Committee documents responsive to the Committee's request relating to the Marc Rich pardon. It appears that certain responsive documents relating to the Rich matter have neither been produced to the Committee nor withheld on the basis of privilege. A January 26, 2001, article in The Washington Post titled "Recollection at Odds on Pardon" suggests that a Justice Department official made available to the reporter copies of former Deputy Attorney General Holder's telephone logs. Specifically, the telephone logs contain records of telephone calls to Mr. Holder from Jack Quinn and Beth Nolan, both relating to the Rich pardon. These records would be responsive to the Committee's request. Morcover, since they were shared with a newspaper reporter, I assume they are not privileged, and can be produced to the Committee.

Sincerely,

James C. Wilson
Chief Counsel

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 7, 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
The United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

I am writing in response to your February 1, 2001 letter to Secretary O'Neill regarding Marc Rich and Pincus Green. Based on discussions with Committee staff, OFAC has searched its files for records relating to letter of credit transactions involving Cuba and Marc Rich (or any of his companies) during the period 1991 through 1994. OFAC has not yet completed its file search on such transactions, but, as discussed with Committee staff, to expedite the Committee's review we are enclosing with this letter responsive records OFAC has collected to date (Bates numbered 000001-000618). Multiple copies of two additional documents identified as responsive originated with the State Department and one additional document originated with the Department of Housing and Urban Development. As is our customary practice, we will seek authorization from those departments to release these documents to the Committee. They will be apprised of our desire to comply promptly with the Committee's records request.

Treasury has advised Committee staff of OFAC's desire to cooperate fully with the Committee, and also has advised Committee staff that some of the enclosed records include sensitive information that has been provided to or compiled by OFAC on a confidential basis. We, therefore, ask that due account be taken of this sensitivity in the handling and any further dissemination of the enclosed records or their contents.

OFAC will continue to diligently review its records relating to the letter of credit transactions described above. We will promptly forward any additional responsive materials to you as they are identified and, where applicable, their release is authorized by the originating department or agency. If desirable, OFAC also can focus its search efforts on specific matters or transactions to accommodate fully the Committee's schedule or any special needs that may arise. Any requests for information on additional transactions should be directed to me at 622-0287. Please direct any questions you or the Committee may have regarding the enclosed records to R. Richard Newcomb, Director of the Office of Foreign Assets Control, at 622-2510.

Sincerely,

Stephen J. McHale /vsc

Stephen J. McHale
Acting General Counsel

TIGHE PATTON ARMSTRONG TEASDALE, PLLC
ATTORNEYS AT LAW

1747 PENNSYLVANIA AVENUE, N.W.
SUITE 300
WASHINGTON, DC 20006-4604

TELEPHONE (202) 293-0388
FACSIMILE (202) 393-0363
WWW.TIGHEPATTON.COM

CAROL ELDER BRUCE
WRITER'S DIRECT DIAL: (202) 293-8750
E-MAIL: CBRUCE@TIGHEPATTON.COM

February 7, 2001

By facsimile (202) 225-3974
The Honorable Dan Burton, Chairman
Committee on Government Reform
2187 Raybum House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in response to your letter of February 5, 2001, in which you requested that my client, Ms. Denise Rich, respond by 12 noon tomorrow to certain questions in connection with the Committee's investigation into the pardons issued by former President Clinton to Marc Rich and Pincus Green. This is to inform you that, upon advice of counsel, Ms. Rich is asserting her privilege under the Fifth Amendment of the United States Constitution not to be a witness against herself and, accordingly, will not be answering any questions of the Chairman or the Committee.

I have met with your Chief Counsel, Jim Wilson, concerning this matter and understand that this letter should be sufficient to communicate my client's decision. Thank you very much for your consideration.

Sincerely,

Carol Elder Bruce

cc: The Honorable Henry A. Waxman, Ranking Minority Member

PIPER MARBURY RUDNICK & WOLFE LLP

1251 Avenue of the Americas
New York, New York 10020-1104
www.piperrudnick.com

PHONE (212) 835-6000
FAX (212) 835-6001

ANDREW L. DEUTSCH

andrew.deutsch@piperrudnick.com
PHONE (212) 835-6080

February 7, 2001

HAND DELIVERY

Honorable Dan Burton
Chairman, Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Request for Documents

Dear Mr. Chairman:

As stated in our letter to you of February 6, 2001, we have reviewed additional e-mails that have been recovered from archive tapes maintained by Piper Marbury Rudnick & Wolfe LLP, to determine whether they are responsive to the Request for Documents addressed to Robert F. Fink, and have not been previously produced. We enclose with this letter one non-privileged e-mail discovered in this additional review, as well as an amended privilege log reflecting two additional e-mails withheld on grounds of privilege.

Sincerely,

Andrew L. Deutsch

Enclosures

cc: Honorable Henry Waxman, Ranking Minority Member
Fred F. Fielding, Esq.

Fink, Robert - NY

From: Fink, Robert - NY
Sent: Tuesday, December 19, 2000 2:51 PM
To: 'Jack Quinn'

Did you call Denise? If you didn't I will call. I just thought it more effective to hear from you.
Let me know.
Bob

PMR&W 00440

MARC RICH - PRIVILEGE LOG –*AMENDED as of 2/07/01*

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIVILE CLAIM
PMR&W 00439	12/06/00 10:58 AM	E-mail	Robert Fink	Jack Quinn	Rosemary Micciulli (Mr. Fink's secretary)	Comments regarding letter	Work Proc
PMR&W 00396	12/18/00 6:10 PM	E-mail	Robert Fink	Rosemary Micciulli		Instructions regarding letter	Work Proc
PMR&W 00397	12/19/00 11:20 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding letter	Work Proc
PMR&W 00397	12/19/00 11:11 AM	E-mail	Jack Quinn	Robert Fink		[attached to 12/19/00 11:20 am] Comments regarding third-party contacts with President	Work Proc
PMR&W 00438	12/22/00 3:24 PM	E-mail	Robert Fink	Jack Quinn; Kitty Behan		Comments regarding third-party contact with President; client statements	Attorney-Clie Work Produc
PMR&W 00398	12/26/00 12:19 PM	E-mail	Robert Fink	Jack Quinn	Mike Green	Comments regarding contacting third party; client statements	Attorney-C Work Proc
PMR&W 00399	12/27/00 11:11 AM	E-mail	Robert Fink	Jack Quinn	Kitty Behan	Comments regarding contacting third party	Work Proc
PMR&W 00401	12/28/00 10:18 AM	E-mail	Robert Fink	Marc Rich		Comments regarding contacting third party	Attorney-C Work Proc
PMR&W 00400	12/28/00 10:49 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting third party	Work Proc
PMR&W 00090	12/30/00 3:41 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting third party	Work Proc
PMR&W 00090	12/28/00 6:46 PM	E-mail	Jack Quinn	Robert Fink		[attached to 12/30/00 3:41 PM] Comments regarding contacting third party	Work Proc
PMR&W 00402	12/30/00 3:37 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding contacting; third party	Work Proc

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIV CL
PMR&W 00402	12/30/00 12:41 PM	E-mail	Jack Quinn	Robert Fink		[attached to 12/30/00 3:37 PM] Comments regarding third-party contacts with President; comments regarding contact with DOJ official	Work
PMR&W 00404	1/5/01 11:20 AM	E-mail	Robert Fink	Jack Quinn		Comments regarding third-party contacts with President	Work
PMR&W 00403	1/5/01 5:11 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding third-party contact with President	Work
PMR&W 00162	1/10/01 11:20AM	E-mail	Robert Fink	Jack Quinn		Comments regarding letter	Work
PMR&W 00168	1/16/01 11:17 AM	E-mail	Robert Fink	Marc Rich		Comments regarding strategy	Work
PMR&W 00405	1/18/01 3:45 PM	E-mail	Robert Fink	Kitty Behan; Mike Green		Comments regarding draft of letter to President	Work
PMR&W 00405	1/18/01 3:23 PM	E-mail	Donna Brown	Mike Green		[attached to 1/18/01 3:45 PM] Comments regarding review of draft letter	Work
PMR&W 00406	1/19/01 6:08 PM	E-mail	Robert Fink	Jack Quinn		Comments regarding communication to President	Work
PMR&W 00407	11/21/00	Facsimile	Robert Fink	Marc Rich		Letter regarding draft petition	Attorney Work
PMR&W 00410	11/28/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney Work
PMR&W 00415	11/30/00	Facsimile	Robert Fink	Marc Rich/Claire Signer		Fax regarding draft petition	Attorney Work
PMR&W 00416	11/30/00	Facsimile/ Letter	Pincus Green	Robert Fink		Fax and letter regarding draft petition	Attorney Work
PMR&W 00422	12/5/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney Work

BATES NO.	DATE TIME	DOCUMENT TYPE	AUTHOR	RECIPIENT	CC:	DESCRIPTION	PRIVILEGE CLAIM
PMR&W 00421	12/5/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney-Clie Work Produc
PMR&W 00426	12/5/00	Facsimile	Robert F. Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Clie Work Produc
PMR&W 00428	12/5/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Clie Work Produc
PMR&W 00432	12/6/00	Facsimile	Robert Fink	Marc Rich; Pincus Green		Fax regarding draft petition	Attorney-Clie Work Produ
PMR&W 00434	12/6/00	Facsimile	Robert Fink	Pincus Green		Fax regarding draft petition	Attorney-Clie Work Produ
PMR&W 00435	12/12/00	Letter	Robert Fink	Marc Rich		Letter regarding petition	Attorney-Clie Work Produ
PMR&W 00436	12/12/00	Letter	Robert Fink	Marc Rich		Letter regarding petition	Attorney-Clie Work Produ
PMR&W 00437	12/13/00	Letter	Robert Fink	Pincus Green		Letter regarding petition	Attorney-Clie Work Produ
PMR&W 00007	12/8/2000	Invoice		Marc Rich		Description of legal services	Attorney-Cli Work Produ
PMR&W 00021	12/19/00	Invoice		Marc Rich		Description of legal services	Attorney-Cli Work Produ
PMR&W 00027	12/19/00	Invoice		Pincus Green		Description of legal services	Attorney-Cli Work Produ
PMR&W 00035	1/26/00	Invoice		Marc Rich		Description of legal services	Attorney-Cli Work Prod
PMR&W 00045	1/31/01	Invoice		Marc Rich		Description of legal services	Attorney-Cli Work Prod
PMR&W 00060	1/16/01	Invoice		Marc Rich		Description of legal services	Attorney-Cli Work Prod

Fried, Frank, Harris, Shriver & Jacobson
1001 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-2505
Tel: 202.639.7000
Fax: 202.639.7003 (4) (8)
www.ffhsj.com

February 7, 2001

Phone: (202) 639-7179
Fax: (202) 639-7268

The Honorable Danny L. Burton, Chairman
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

FRIED
FRANK
HARRIS
SHRIVER
JACOBSON

Re: February 6, 2001 Letter to Professor Martin D. Ginsburg

Dear Congressman Burton:

The above referenced letter has just been brought to my attention. I am writing to advise you that Mr. Ginsburg currently is in New Zealand and will attend to your request upon his return to Washington, D.C. on February 12th.

Sincerely,

M. Linnéa West
Secretary to Martin D. Ginsburg

cc: Honorable Henry A. Waxman
Ranking Minority Member

A Partnership
Including
Professional
Corporations

New York
Washington
Los Angeles
London
Paris

Received 2-13-01

BERNARD WOLFMAN

(617) 495-4623

HARVARD LAW SCHOOL
CAMBRIDGE, MASS. 02138

February 8, 2001

The Honorable Dan Burton, Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Congressman Burton:

My work on the legal analysis to which you have referred in your letter of February 6, 2001 began on February 9, 1988 when I was retained as a tax law consultant by the Washington, D.C. law firm, Dickstein, Shapiro & Morin, by two of its partners, Leonard Garment, Esquire and I. Lewis Libby, Esquire.

Professor Ginsburg and I completed our analysis and set it forth, together with our conclusions, in the document of December 7, 1990 to which you have referred. From February 9, 1988 through December, 1990 I received compensation for my services from the Dickstein firm in the total amount of $30,754.77. For most of that period I was compensated at the rate of $250 an hour; for the balance of the period, at the rate of $300 an hour.

Sincerely yours,

Bernard Wolfman

Bernard Wolfman

cc. Hon. Henry A. Waxman
Ranking Minority Member

Received 2-13-01

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 8, 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
The United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

In response to your February 1, 2001 letter to Secretary O'Neill, we yesterday hand-delivered to the Committee records of the Office of Foreign Assets Control (OFAC) relating to Marc Rich (Bates numbered 000001 through 000618). We are enclosing with this letter additional responsive records (Bates numbered 000619 through 000657). Because of yesterday's mandatory evacuation of the Treasury Department, we inadvertently left these records behind and were not able to include them in the previously delivered package.

Like the OFAC records produced to the Committee yesterday, some of the enclosed records include sensitive information that has been provided to or compiled by OFAC on a confidential basis. We, therefore, again ask that due account be taken of this sensitivity in the handling and any further dissemination of the enclosed records or their contents.

Any further requests for OFAC records should be directed to me at 622-0287. Please direct any questions you or the Committee may have regarding the enclosed records to R. Richard Newcomb, Director of the Office of Foreign Assets Control, at 622-2510.

Sincerely,

Stephen J. McHale
Acting General Counsel

Enclosure

02/08/01 THU 10:50 FAX

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General — Washington, D.C. 20530

FAX COVER SHEET

DATE: 2/8/01

TO: Jim Wilson, Mike Yeary

PHONE NO.

FAX NO. 225-3974; 224-3348

FROM: FAITH BURTON

PHONE NO. 514-1653

FAX NO. 305-2643

NO. OF PAGES: ____ (EXCLUDING COVER)

COMMENTS: Eric Holder's phone logs for 1/19 & 1/22-

02/08/01 THU 10:50 FAX 002

(Revised 1/22/1, 11:24AM)

COMPLETED	IN	OUT	NAME/OFFICE	PHONE #	MESSAGE
x	1/19 9:45		Beth Nolan	456-2632	
lvm	1/19 9:50	1/19 10:15	Duke Short, Chief of Staff-Senator Thurman	224-7723	Urgent! re Dir. Marshall
x	1/19 9:50	1/19 10:25	David Ogden	4-3301	Urgent! have him interrupted
x	1/19 10:00	1/19 11:00	Shirah Neiman	212-637-2673	
x		1/19 10:00	Beth Nolan	456-2632	
x	1/19 10:25	1/19	William T. Coleman, Jr., Melveny & Myers	383-5325	
lw x	1/19 11:15	1/19 10:29	Congw. Eleanor Norton	225-8050	
x		1/19 11:05	Senator Graham	224-2246 or 224-3041	
x		1/19 11:30	Nick Gess	4-626[illegible]	
x		1/19 12:40	Beth Nolan	456-2632	
x	1/19 12:44		Beth Nolan	456-2632	
x		1/19 3:10	Beth Nolan	456-2632	

[illegible]

DOJ/ODAG-MR-00039

02/08/01 THU 10:51 FAX 003

(Revised 1/22/1, 11:24AM)

COMPLETED	IN	OUT	NAME/OFFICE	PHONE #	MESSAGE
	1/19 3:15		Ronald Mason, President Jackson State	601-979-2323	
		1/19 5:30	Beth Nolan	456-2632	
x	1/19 6:20		Roger Adams	6-6070	
x	1/19 6:30		Eric Angel	456-7984	
x		1/19 6:30	Roger Adams	6-6070	
x		1/19 3:10	Beth Nolan		
x	1/19 6:30		Jack Quinn		
x	1/19 6:38		Beth Nolan	456-2632	

ca - called again
be - left word [illegible] call
[illegible]
[illegible] take [illegible] per DAG [illegible] left voicemail message

DOJ/ODAG-MR-00040

(Revised 1/23/1, 9:11AM)

COMPLETED	IN	OUT	NAME/OFFICE	PHONE #	MESSAGE
x	1/22 9:05	1/22 10:30	Dan Kofsky	4-2030	
x	1/22 9:15	1/22 10:45	Barbara Underwood	4-2201	
x	1/22 9:40		Mike McCabe		
lw		1/22 9:44	Rev. Eugene Rivers	[redacted] (cellphone)	
x	1/22 11:07	1/22 4:40	Jack Quinn	457-1110	re employment for [redacted]
	1/22 1:20		Tom Strickland, USA-Colorado	303-454-0263	re pending a death penalty case
x	1/22 1:40 1/22 3:00		Jamie Gorelick	752-6120	she's reachable after 2:30pm
	1/22 3:40		Judge Ray Fisher	626-229-7110	he wanted to talk to you while you're Act'g AG
	1/22 3:44		Jim Welch, FBI	215-418-4330	
	1/22 5:14		Zach Carter	212-415-9345	
x	1/22 5:32		Al Gonzlez, Counselor to the POTUS		
x	1/22 5:35		Robert Raben		

ca = called again
lw = left word cyc = return your call
wch = will call back obc = overtaken by events tci = info only x = call completed
t/o = take off, per DAG lvm = left voicemail message

02/08/01 THU 10:33 FAX 005

(Revised 1/23/1, 9:11AM)

COMPLETED	IN	OUT	NAME/OFFICE	PHONE #	MESSAGE
	1/22 6:30		Bob Mueller	4-9500	

ca = called again
lw = left word *ryc = return your call*
wcb = will call back *abc = overtaken by events* *jyi = info only* *x = call completed*
t/o = take off, per DAG *lvm = left voicemail message*

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 9, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity for Denise Rich

Dear General Ashcroft:

The Committee on Government Reform has been conducting an investigation of the pardons issued by President Clinton to Marc Rich and Pincus Green. On February 7, 2001, Carol Elder Bruce, counsel for Denise Rich, informed the Committee that her client would invoke her Fifth Amendment rights in response to any questions from the Committee. I am writing to request the opinion of the Justice Department on a grant of immunity by the Committee to Mrs. Rich.

Mrs. Rich is, of course, the ex-wife of Marc Rich. Between 1993 and 2000, she contributed over $1 million to political causes, and we have been informed by Mrs. Bruce that Mrs. Rich contributed an unspecified "enormous" sum of money to the Clinton Library. Testimony and documents presented at the Committee's February 8, 2001, hearing demonstrate that Mrs. Rich had a number of contacts with President Clinton in which she requested a pardon for her ex-husband. In order for the Committee to obtain all of the relevant facts about the decision to pardon Mr. Rich, it will be necessary to immunize Mrs. Rich.

In addition to requesting the Justice Department's opinion on a grant of immunity to Mrs. Rich, this letter serves as a formal notice under 18 U.S.C. § 6005(b)(3) that the Committee may proceed to request such an order for Mrs. Rich. In addition, this letter serves as a request that the Department of Justice waive its rights under 18 U.S.C. § 6005(c) to request a deferral of the district court's order granting immunity to Mrs. Rich.

The Committee would like to be able to act as quickly as possible to immunize Mrs. Rich and obtain her testimony. If your staff has any questions about this matter,

they should contact the Committee's Chief Counsel, James C. Wilson, at 225-5074. Thank you for your consideration of this matter.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

...ON, INDIANA
C...AIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 11, 2001

Sheryl L. Walter
Office of Legislative Affairs
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Grants of Executive Clemency by President Clinton on January 20, 2001

Dear Ms. Walter:

It is my belief that the Department of Justice is still working to prepare a response to my letter of February 6, 2001. In addition to the information requested in that letter, I have two further requests relating to the grants of Executive Clemency made by President Clinton on January 20, 2001.

First, there have been press reports that the Office of the Pardon Attorney has prepared individualized grants of clemency for most of the 140 individuals listed in the President's January 20, 2001, master warrant. Please provide copies of the individualized grants of clemency for those individuals.

Second, please answer the following questions: (1) For each individual who has received an individualized grant of clemency, how did the Department of Justice determine what each individual was pardoned for? (2) How will the Department of Justice determine what the remaining individuals will be pardoned for? Please contact me at (202) 225-5074 if you have any questions about this request.

Sincerely,

J. C. Wilson

James C. Wilson
Chief Counsel

cc: Michael Yeager, Minority Counsel

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

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House of Representatives
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Majority (202) 225–5074
Minority (202) 225–5051

February 11, 2001

Faith Burton
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Re: Holder Telephone Logs

Dear Ms. Burton:

Thank you for producing to the Committee the telephone logs of former Deputy Attorney General Eric Holder. These logs were received during the Committee's February 8, 2001, hearing on the Marc Rich pardon. As you will recall, I pointed out in my letter of February 7 that the Justice Department failed to include Mr. Holder's telephone logs in its original production of documents to the Committee. Indeed, it did not produce the logs to the Committee until the Committee brought to the Department's attention the fact that Mr. Holder had responsive telephone logs, and that those logs had been referenced in a *Washington Post* article titled "Recollection at Odds on Pardon."

Please provide the Committee with a written explanation of why the Holder telephone logs were not provided to the Committee with the Department's initial production in the Rich matter. Thank you for your cooperation with this request.

Sincerely,

James C. Wilson
Chief Counsel

cc: Michael Yeager, Minority Counsel

GEORGETOWN UNIVERSITY LAW CENTER
WASHINGTON, D.C. 20001

MARTIN D. GINSBURG
PROFESSOR OF LAW

(202) 639-7030
(202) 662-9077

February 12, 2001

The Honorable Dan L. Burton, Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Congressman Burton:

I write in response to your letter of February 6, 2001 in which you ask about work done by me and Professor Wolfman that is reflected in the document dated December 7, 1990 to which your letter refers.

On May 14, 1986 I was consulted by Leonard Garment and I. Lewis Libby on behalf of Dickstein, Shapiro & Morin, a Washington D.C. law firm in which Messrs. Garment and Libby were then partners, and asked to provide federal tax analysis. I am Of Counsel to the law firm of Fried, Frank, Harris, Shriver & Jacobson, and it was the Fried, Frank firm that was retained and compensated by Dickstein, Shapiro & Morin. In working on the matter I consulted with and was assisted by other Fried, Frank attorneys.

For the period May 14, 1986 through December 31, 1990 Fried, Frank was compensated by the Dickstein firm in the total amount of $66,199. Of that total $43,980 reflected time invested by me. Over the period my time was billed at regular hourly rates of initially $300, later $350, and later still $400. Other attorneys who worked on the matter were billed at their regular hourly rates which varied from $175 to $300.

Sincerely,

Martin D. Ginsburg

MDG:mlw
cc: Honorable Henry A. Waxman
Ranking Minority Member

DIRECT MAILING ADDRESS: SUITE 800, 1001 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20004-2505
FAX: (202) 639-7008

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

Brian L. Stafford
Director
United States Secret Service
950 H Street, N.W., Suite 8400
Washington, D.C. 20001

Dear Mr. Stafford:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform requests E-Pass and WAVES records for the following individuals:

1. Denise Rich (from January 21, 1993, to January 20, 2001);
2. Danielle Rich (from January 21, 1993, to January 20, 2001);
3. Ilona Rich (from January 21, 1993 to January 20, 2001);
4. Philip Aouad (from January 21, 1993, to January 20, 2001); and
5. Jack Quinn (from January 1, 1999 to January 20, 2001).

Please produce the requested items to the Committee by February 19, 2001. If you have any questions, please contact the Committee's Deputy Counsel, David Kass, at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
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COMMITTEE ON GOVERNMENT REFORM
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WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

Piper Marbury Rudnick & Wolfe, L.L.P.
c/o Fred Fielding
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Re: Request for Documents

Dear Mr. Fielding:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like

and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to:

1. Piper Marbury Rudnick & Wolfe's representation of Marc Rich or Pincus Green, excluding records previously produced to the Committee.

2. Robert Fink's representation of Marc Rich or Pincus Green, excluding records previously produced to the Committee.

Please produce the requested items by the close of business on February 19, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

Arnold & Porter
c/o A.B. Culvahouse
O'Melveny & Myers, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004

Re: Request for Documents

Dear Mr. Culvahouse:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like

and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

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7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to Arnold & Porter's representation of Marc Rich or Pincus Green, excluding records previously produced to the Committee.

Please produce the requested items by the close of business on February 19, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

G. Michael Green
Dickstein Shapiro Morin & Oshinsky L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037

Re: Request for Documents

Dear Mr. Green:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

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7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to Dickstein Shapiro Morin & Oshinsky's representation of Marc Rich or Pincus Green.

Please produce the requested items by the close of business on February 19, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

The Honorable George J. Tenet
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Tenet:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into the pardon of Marc Rich, a commodities trader who fled the United States after he was indicted for tax, fraud, and racketeering charges. The Committee recently requested information on this matter from your agency. In response to that request, your staff provided the Committee staff with a briefing on February 6, 2001.

I respectfully request that you declassify certain materials that were discussed at the briefing. It is my understanding that my staff has conveyed to the Congressional Affairs Office the specific information to which this letter refers. Please provide the Committee with a response by Monday, February 19, 2001. If you have any further questions, your staff may contact Senior Counsel Kristi L. Remington at (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

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COMMITTEE ON GOVERNMENT REFORM
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Minority (202) 225–5051

September 12, 2001

Arthur B. Culvahouse
O'Melveny & Myers, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004

↑ Should be Feb. 12, 01

Re: Interview of Kathleen Behan

Dear Mr. Culvahouse:

As you know, the Committee on Government Reform is conducting an investigation of the pardons of Marc Rich and Pincus Green. As part of that investigation, the Chairman has requested documents from Arnold & Porter, which was working with a number of other law firms on the Marc Rich pardon matter. I am writing to request you make your client, Kathleen Behan, available for an interview with Committee staff. Committee staff would like to question Ms. Behan regarding her work on the Marc Rich and Pincus Green pardons.

Committee staff would like to interview Ms. Behan at the earliest possible opportunity. Please contact me at (202) 225-5074 to arrange a time for the interview.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

The Honorable Arthur Levitt
c/o Arthur B. Culvahouse
O'Melveny & Myers, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004

Dear Mr. Levitt:

The Committee on Government Reform is conducting an investigation of the pardons given by President Clinton to Marc Rich and Pincus Green. It has come to the Committee's attention that you were contacted on or about January 19, 2001, regarding the Rich pardon. In press reports, you indicated that you decided that Rich and Green were outside of the SEC's jurisdiction, but that you also stated that Rich and Green were fugitives who should not be pardoned. However, press reports did not identify the individual who contacted you about the pardon. As the Committee is attempting to learn more about the pardon, I would appreciate your response to the following questions:

1. Please identify all individuals with whom you spoke regarding potential pardons for Marc Rich and Pincus Green prior to January 20, 2001.

2. Please describe the substance of all communications identified in Question 1.

3. Did you inform any other government agency about the potential pardon for Rich and Green?

I would appreciate a response to these questions by February 19, 2001. If you have any questions about this matter, please contact the Committee's Deputy Counsel, David A. Kass at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

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COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Director Freeh:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into former President Clinton's pardons of Marc Rich and Pincus Green. Mr. Rich and Mr. Green are commodities traders who fled the United States after they were indicted for tax, fraud, and racketeering charges. To this end, the Committee requests that you search your records for information relating to the criminal activity of Marc Rich and Pincus Green, in addition to information relating to the FBI's pursuit of Marc Rich and Pincus Green while they were fugitives.

Please produce any such information by February 20, 2001. Please have your staff contact Senior Counsel Kristi L. Remington at (202) 225-5074 with any questions. Thank you for your assistance in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

The Honorable Colin Powell
Secretary
Department of State
2201 C Street, N.W.
Washington, D.C. 20250

Dear Secretary Powell:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into the pardons of Marc Rich and Pincus Green, commodities traders who fled the United States after they were indicted for tax, fraud, and racketeering charges. To this end, the Committee requests your assistance in gathering information on the citizenship status of Marc Rich and Pincus Green.

To the Committee's knowledge, Mr. Rich emigrated to the United States from Belgium in the early 1940's, and became a U.S. citizen in 1947. Mr. Rich was under investigation by the United State's Attorney's Office for the Southern District of New York between 1980 and 1983, at which time he was indicted. With his indictment imminent, Mr. Rich left the United States in August 1983. Mr. Rich refused to return to the United States once the grand jury returned an indictment against him. During the time he was under investigation, on August 16, 1982, Rich became naturalized as a Spanish citizen. According to his pardon application, Mr. Rich now holds dual citizenship from both Israel and Spain. Likewise, Pincus Green fled the country in 1983, and indicated on the pardon application that he also holds citizenship from both Israel and Spain.

Mr. Rich's attorney, Robert Fink, has indicated in media reports that Mr. Rich is not a U.S. citizen. However, the Committee understands that the U.S. Government may not have recognized Mr. Rich's renunciation of his citizenship. In light of these conflicting accounts, the Committee requests that you produce all records relating to the citizenship status of Marc Rich and Pincus Green.

Please produce the relevant documents by February 21, 2001. If you have any questions, please have your staff contact Committee Senior Counsel Kristi L. Remington at (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 12, 2001

Vice Admiral Thomas R. Wilson
Director
Defense Intelligence Agency
Washington, D.C. 20340-2033

Dear Admiral Wilson:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an inquiry into former President Clinton's pardons of Marc Rich and Pincus Green. Mr. Rich and Mr. Green are commodities traders who fled the United States after they were indicted for tax, fraud, and racketeering charges. To this end, the Committee requests that you search your files for any information you may have on Marc Rich and Pincus Green from 1985 until the present.

Please produce any such information by February 26, 2001. Please have your staff contact Senior Counsel Kristi L. Remington at (202) 225-5074 with any questions. Thank you for your assistance in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

JACK QUINN

February 13, 2001

Dear Chairman Burton -

We have had, and will have, our disagreements - But I want you to know that I appreciate the fairness, decency and balance with which you treated me in my recent appearance before your committee — I thank you for that —

Sincerely

Jack Quinn

1133 CONNECTICUT AVE NW ♦ 5TH FLOOR ♦ WASHINGTON, DC 20036

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 13, 2001

Fred Fielding, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Re: Interview of Robert Fink

Dear Mr. Fielding:

As you know, the Committee on Government Reform is conducting an investigation of the pardons of Marc Rich and Pincus Green. As part of that investigation, the Chairman has requested documents from Piper Marbury Rudnick & Wolfe, which was working with a number of other law firms on the Marc Rich pardon matter. I am writing to request you make your client, Robert Fink, available for an interview with Committee staff. Committee staff would like to question Mr. Fink regarding his relationship with Mr. Rich, as well as his work on the Marc Rich and Pincus Green pardons.

Committee staff would like to interview Mr. Fink at the earliest possible opportunity. Please contact me at (202) 225-5074 to arrange a time for the interview.

Sincerely,

James C. Wilson
Chief Counsel

cc: Michael Yeager, Minority Counsel

diGENOVA & TOENSING
ATTORNEYS-AT-LAW

February 13, 2001

VIA FACSIMILE (202/225-3974) AND FIRST CLASS MAIL

Honorable Dan Burton
Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

Pursuant to the continuing request to produce possibly responsive documents when they are discovered, we submit a telephone note to the Committee.

Sincerely,

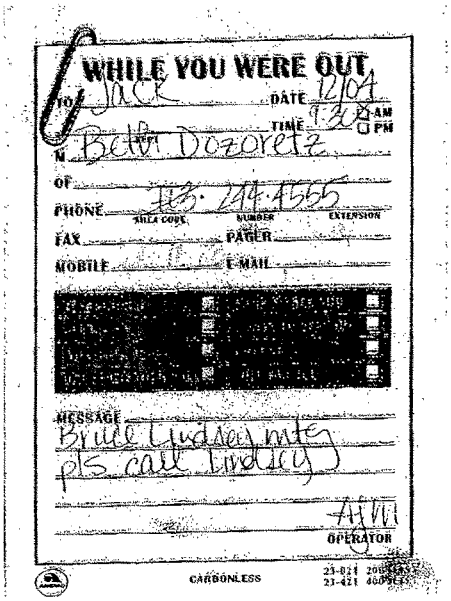
Joseph E. diGenova
Victoria Toensing

Enclosure

cc: Honorable Henry Waxman, Ranking Minority Member

901 15TH STREET, N.W. • SUITE 430 • WASHINGTON, DC 20005
202-289-7701 • 202-289-7708 (FAX)

FEB-13-2001 15:16 DIGENOVA & TOENSING 202 289 7706 P.03/03



WHILE YOU WERE OUT

TO Jack DATE 12/04

TIME 9:30 ☒ AM ☐ PM

M Beth Dozoretz

OF

PHONE 213 244 4555
AREA CODE NUMBER EXTENSION

FAX PAGER

MOBILE E-MAIL

MESSAGE
Bruce Lindsey mtg
pls call Lindsey

AHM
OPERATOR

CARBONLESS 23-021 200 SHEETS
23-421 400 SHEETS

TOTAL P.03

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225-5074
Minority (202) 225-5051

February 13, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardons of Marc Rich and Pincus Green. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like

and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee the following records:

1. All Worker and Visitor Entry System (a.k.a. "WAVES") records for the following individuals:

   a. Denise Rich (from January 21, 1993, to January 20, 2001);
   b. Danielle Rich (from January 21, 1993, to January 20, 2001);
   c. Ilona Rich (from January 21, 1993, to January 20, 2001);
   d. Philip Aouad (from January 21, 1993, to January 20, 2001);
   e. Jack Quinn (a.k.a. John M. Quinn) (from January 1, 1999, to January 20, 2001);
   f. Terry McAuliffe (from June 1, 1999, to January 20, 2001); and
   g. Beth Dozoretz (from June 1, 1999, to January 20, 2001).

2. All e-mail messages regarding Denise Rich or Marc Rich.

3. All telephone records, telephone logs, or telephone operator records from June 1, 1999, to January 20, 2001, relating to calls between President Clinton, Bruce Lindsey, Beth Nolan, or John Podesta and the following individuals:

   a. Denise Rich;
   b. Jack Quinn;
   c. Beth Dozoretz; or
   d. Terry McAuliffe.

Please produce the requested items by the close of business on February 20, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 14, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to the letters from the Committee's Chief Counsel, dated February 11, 2001, regarding President Clinton's grants of clemency on January 20, 2001.

The Office of the Pardon Attorney has prepared individual warrants based upon almost all of the January 20th grants, although nine are still in process. On February 12th, we delivered copies of all the warrants we have received from the Pardon Attorney. We will send you the balance as soon as they become available.

You also inquired how the Department of Justice determined the scope of the various individual pardons. A majority of the persons whose names are listed on the master pardon warrant had submitted petitions for pardon to the Department. Their applications specified the offenses for which they had been convicted and for which they sought a pardon. In many cases, we had time to submit reports and recommendations to the White House and those reports discussed the offenses. It is clear that President Clinton intended to grant pardons for the offenses so noted and discussed.

Other persons submitted petitions to the Department, but they arrived too late for us to submit a report and recommendation. Many of these persons had also submitted their petitions directly to the White House, and in some cases the White House asked the Office of the Pardon Attorney for copies of their petitions. We are confident that President Clinton intended to grant pardons for the offenses as listed on their petitions.

Some of the persons whose names were on the master pardon warrant never submitted petitions to the Department. We have determined the scope of the pardons for these persons in a variety of ways. In some cases, including those of Marc Rich and Pincus Green, the White House Counsel's office sent us, just prior to the granting of the pardons, copies of or excerpts from the

pardon requests that these persons or their counsels had submitted to the White House. We therefore drafted the individual pardon warrants to reflect the offenses for which the pardon recipients were convicted (or, in the case of Rich and Green, indicted) as stated in these submissions made directly to the White House.

In several other cases in which the Department received nothing from the pardoned person, we were able to determine that the person had been prosecuted by an Independent Counsel. In these instances, we determined that the Independent Counsel conviction is the person's only federal conviction. We therefore are confident that it was this conviction that President Clinton intended to pardon, and drafted the individual warrant accordingly. We obtained information as to dates of conviction and exact offenses for which these persons were convicted from Internet web sites of several Independent Counsels, and in some cases obtained court documents such as the judgment orders which give the date of conviction and the United States Code citation for the offense of conviction.

In non-Independent Counsel cases in which we have received either no documents at all or very sketchy information from the White House Counsel in the last hours before the pardons were granted, we have determined in all but one case that the person has only one federal conviction. We are therefore confident that it was this single conviction that President Clinton intended to pardon, and so drafted the individual warrants accordingly. We obtained information as to the date of conviction and the exact charges by contacting United States Attorney's Offices and Probation Offices and requesting the judgment orders in each case. We intend to prepare in this fashion the remaining nine individual warrants that have not been completed as of February 12. The delay in their processing is occasioned by the need of the U.S. Attorneys and Probation Officers to request the official records from archived files stored at distant locations, and is not due to any doubt as to the scope of the pardon intended by President Clinton. We expect to complete this task shortly, although in one case (that of Adolph Schwimmer) the conviction of which we have knowledge is more than 50 years old. The age of the conviction and the person's own advanced age may prolong for awhile the process of determining that this is the only conviction of Mr. Schwimmer. In any event, we have no knowledge or belief that President Clinton intended to pardon anyone for conduct for which he or she was not at least charged, and in most cases convicted.

We regret that you did not receive the Holder telephone logs with our initial response to the Committee's request. As we have advised Mr. Wilson, we did not originally realize that there were logs responsive to your request. When we became aware of that fact, the logs were retrieved and provided to the Committee in advance of the hearing.

Finally, our letter of February 6, 2001 incorrectly identified two individuals from the list supplied by Mr. Wilson as non-applicants. An additional search of incoming applications has established that Robert Clinton Fain submitted a pardon application that was received by the Department on January 16, 2001, and Jimmie Lee Wilson submitted a pardon application that was received by the Department on January 5, 2001. We informally advised the Committee last week that these pardon applications had been received before January 20, 2001.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Sheryl L. Walter
Acting Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 15, 2001

John Podesta
3743 Brandywine Street, N.W.
Washington, D.C. 20016

Dear Mr. Podesta:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardons that were granted to Marc Rich and Pincus Green on January 20, 2001. Accordingly, you will be asked to provide the Committee with information regarding the Rich pardon, including your communications with Jack Quinn and the Department of Justice, among others. I intend to issue a subpoena for your appearance at the Committee's hearing. Please contact Committee staff to make appropriate arrangements for service of the subpoena.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
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2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 15, 2001

Marc Rich
Villa Rose
Kleinnaumatt Number 9
6045 Meggen, Switzerland

Dear Mr. Rich:

As you know, the Committee on Government Reform has been investigating the Presidential pardons received by you and your partner, Pincus Green. While the Committee has uncovered a great deal of information relating to the pardons, it is still seeking further information regarding the President's action. Therefore, I am requesting your presence at a Committee hearing to be held on a mutually agreeable date. You will be asked to provide testimony regarding a number of matters:

- Your involvement in the pardon process;
- Your role, if any, in directing political contributions or contributions to the Presidential library;
- The actions that led to your federal indictment; and
- Business dealings you have had with countries subject to embargoes by the United States.

You may also be aware that your attorneys have withheld a number of documents from the Committee on the basis of attorney-client privilege. These claims of privilege have kept the Committee from learning all relevant information about your pardon. So that the Committee can complete its investigation, I request that you waive all claims of attorney-client privilege in this matter, and instruct your attorneys to provide to the Committee all information which has been withheld on the basis of attorney-client privilege.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 to make arrangements for your appearance before the Committee. I look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: Robert Fink, Esq.
The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 15, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to the letter from your Chief Counsel, dated February 6, 2001, which requested information about whether the Department has received any additional pardon applications for the 46 individuals identified in our letter of the same date from the White House or any agency of the government since January 20, 2001.

We are advised that the Department has not received any additional pardon applications from the 46 individuals from the White House or any government agency since January 20, 2001. I hope that this information is helpful. Please do not hesitate to contact me if you would like additional information about this or any other matter.

Sincerely,

Sheryl L. Walter
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 15, 2001

Beth Nolan, Esq.
3900 Connecticut Avenue, NW
Washington, DC 20008

Dear Ms. Nolan:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

The Committee will inquire about the presidential pardons that were granted to Marc Rich and Pincus Green on January 20, 2001. Accordingly, I will be asking you to provide the Committee with information regarding the Rich pardon, including your communications with Jack Quinn and the Department of Justice, among others. As you know, I requested your presence at the Committee's February 8, 2001, hearing on this subject, and you were unable to attend because you were on vacation. I am hopeful that with two weeks' advance notice, you will be able to attend the Committee's hearing. Furthermore, I intend to issue a subpoena for your attendance at the Committee's hearing. Please contact Committee staff to make appropriate arrangements for service of the subpoena.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

2200

Central Intelligence Agency

Washington, D.C. 20505

15 February 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Director asked me to respond to your letter dated 12 February 2001, requesting declassification of certain classified information described to cleared members of the Committee staff during a briefing on 6 February 2001, by Agency officials. We have asked appropriate Agency components to review that information and determine if it could be declassified, but I regret that we cannot declassify it in any meaningful way due to sensitivity of the sources. We have communicated that conclusion via telephone to Majority and Minority staff counsels.

An original of this letter is also being sent to Ranking Minority Member Waxman.

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

Sincerely,

John H. Moseman
Director of Congressional Affairs

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 15, 2001

The Honorable William J. Clinton
Office of Former President Clinton
Washington, D.C. 20503-0730

Dear Mr. Clinton:

The Committee on Government Reform has been conducting an investigation of pardons issued by you to Marc Rich and Pincus Green. In order to arrive at a more complete understanding of the facts of this matter, the Committee respectfully requests that you waive all potential claims of privilege that you might be able to assert over communications pertaining to the pardons of Mr. Rich and Mr. Green. As you are aware, President Reagan waived potential claims of privilege during investigations of the Iran-Contra matter, and it is my hope that you will take the same step in this inquiry.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Member
David E. Kendall, Esq.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 15, 2001

Bruce Lindsey, Esq.
Office of Former President Clinton
Washington, DC 20503-0730

Dear Mr. Lindsey:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

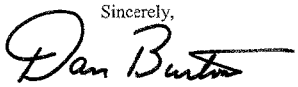
The Committee will inquire about the presidential pardons that were granted to Marc Rich and Pincus Green on January 20, 2001. Accordingly, you will be asked to provide the Committee with information regarding the Rich pardon, including your communications with Jack Quinn and the Department of Justice, among others. As you know, I requested that you appear at the Committee's February 8 hearing on this subject, and you declined to appear, citing scheduling conflicts. Therefore, I intend to issue a subpoena for your appearance at the Committee's hearing. Please contact Committee staff to make appropriate arrangements for service of the subpoena.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
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Minority (202) 225–5051

February 15, 2001

Joseph E. diGenova, Esq.
Victoria Toensing, Esq.
diGenova & Toensing
901 15th Street, N.W., Suite 430
Washington, D.C. 20005

Dear Mr. diGenova and Ms. Toensing:

Thank you for providing Mr. Quinn to testify before the Committee on February 8, 2001. The Committee continues to investigate the pardons of Marc Rich and Pincus Green. To this end, I request that Mr. Quinn be made available to testify before the Committee at 10:00 a.m. on March 1, 2001, in room 2154 of the Rayburn House Office Building. The subject of the hearing will be Mr. Quinn's contacts with White House officials, and his panel at the hearing will include former White House Counsel Beth Nolan, former Deputy White House Counsel Bruce Lindsey, and former White House Chief of Staff John Podesta.

If Mr. Quinn wishes to make an opening statement, it is requested that he provide 100 copies of his written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, he should also provide a computer disk containing a copy of his written testimony. At the hearing, we ask the witness to summarize his testimony in five minutes to allow the maximum time for discussion and questions.

In anticipation of this hearing, I would like to direct a number of written questions to Mr. Quinn.

1. Please describe all contacts you have had with former President Bill Clinton about the pardon of Marc Rich and Pincus Green, both before and after January 20, 2001. In your response, please describe the date, time, manner, and substance of each such contact.

2. Did you represent Pincus Green in the pardon application process?

3. Given your belief that Marc Rich was not a citizen of the United States, did you register under the Foreign Agents Registration Act? If so, please provide a copy of your registration to the Committee.

4. Who prepared the page titled "Letters Expressing Support for the Pardon of Marc Rich," which is Attachment 1 to this letter?

5. Who prepared the page titled "List of Letters of Support for Marc Rich and Foundation," which is Attachment 2 to this letter? When was this document received by Mr. Quinn?

6. Did you have any dealings with the Marc Rich case while you served in the Clinton Administration?

7. Were you ever contacted by Mr. Rich or any attorney representing Mr. Rich while you served in the Clinton Administration?

8. Are you aware of any efforts by Denise Rich or Beth Dozoretz to secure Presidential pardons for any individuals other than Marc Rich or Pincus Green?

9. Did you represent any other individuals seeking a pardon from President Clinton? If so, please list each client you represented seeking a pardon from President Clinton.

If you have any questions about this matter, please contact James C. Wilson, the Committee's Chief Counsel, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

Attachment 1

Letters Expressing Support for the Pardon of Mr. Marc Rich

Roni Milo	Minister of Health Former Mayor of Tel Aviv
Dr. Gen. (res.) Ephraim Sneh	Deputy Minister of Defense and Former Minister of Health
Ron Huldai	Mayor of Tel Aviv-Jaffa
Shulamit Aloni	Former Minister of Education and Culture Former Minister of Science and Knesset Member
Arieh Shur	Vice President for External Affairs, Ben-Gurion University of the Negev
Dr. Riyad Zanoun	Minister of Health, Palestinian National Authority
Isaac Herzog	The Government Secretary, Israel
Teddy Kollek	Former Mayor of Jerusalem
Gen (res.) Shlomo Lahat	Former Mayor of Tel Aviv Chairman of the Peace & Security Council
Zubin Mehta	Maestro & Musical Director The Israel Philharmonic Orchestra
Prof. Avi Israeli	CEO, Hadassa Medical Organization, Jerusalem
Prof. Shlomo Mor-Yosef	CEO, Soroka University Medical Center, Beer-Sheva
Dr. Dan Oppenheim	CEO, Rabin Medical Center, Petach Tikva
Prof. Jonathan Halevy, M.D.	CEO, Shaare Zedek Medical Center, Jerusalem



Attachment 2

List of Letters of Support
for Marc Rich and Foundation

Roni Milo	Minister of Health Former Mayor of Tel Aviv
Dr. Gen. (res.) Ephraim Sneh	Deputy Minister of Defense and Former Minister of Health
Ron Huldai	Mayor of Tel Aviv-Jaffa
Shulamit Aloni	Former Minister of Education and Culture Former Minister of Science and Knesset Member
Arieh Shur	Vice President for External Affairs, Ben-Gurion University of the Negev
Dr. Riyad Zanoun	Minister of Health, Palestinian National Authority
Isaac Herzog	The Government Secretary, Israel
Teddy Kollek	Former Mayor of Jerusalem
Gen (res.) Shlomo Lahat	Former Mayor of Tel Aviv Chairman of the Peace & Security Council
Zubin Mehta	Maestro & Musical Director The Israel Philharmonic Orchestra
Prof. Avi Israeli	CEO, Hadassa Medical Organization, Jerusalem
Prof. Shlomo Mor-Yosef	CEO, Soroka University Medical Center, Beer-Sheva
Dr. Dan Oppenheim	CEO, Rabin Medical Center, Petach Tikva
Prof. Jonathan Halevy, M.D.	CEO, Shaare Zedek Medical Center, Jerusalem
Prof. Yair Reisner	Head, Gabrielle Rich Center for Transplanation Biology Weizmann Institute of Science, Rehovot



DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 16, 2001

Kendall Coffey, Esquire
2665 South Bayshore Drive
Penthouse No. 2
Miami, Florida 33133

Re: Request for Documents

Dear Mr. Coffey:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation into the pardon of Almon G. Braswell. The Committee hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Kendall Coffey, Esquire
February 16, 2001

Requested Items

Please produce to the Committee the following records:

1. All billing records reflecting work relating to efforts to obtain an Executive Grant of Clemency for Almon Braswell;

2. All records provided to any government office relating to an Executive Grant of Clemency for Almon Braswell;

3. All records relating to contacts with any government official relating to an Executive Grant of Clemency for Almon Braswell; and

4. All records created or received in 1999, 2000 or 2001 relating to any investigation of Almon Braswell by any federal law enforcement agency or organization.

Please produce the requested items by the close of business on March 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

02/16/01 15:31 FAX FRED F FIELDING 202 828 4541 → 2022225514 NO.165 002

Wiley, Rein & Fielding

1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

Fax: (202) 719-7049
www.wrf.com

Fred F. Fielding
(202) 719-7320
ffielding@wrf.com

February 16, 2001

VIA FACSIMILE

James C. Wilson, Esq.
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Request for Documents Addressed to Piper Marbury Rudnick & Wolfe, LLP

Dear Mr. Wilson:

Piper Marbury Rudnick & Wolfe, LLP, looks forward to cooperating with the Committee's request for documents dated February 12, 2001. I am sorry that we have been unable to connect prior to my prearranged departure from town, but I am looking forward to meeting with you on Tuesday, February 20, at 11:00 a.m. to discuss timing and scope issues under the request. Thank you for your courtesy in agreeing to meet with me.

If you need to discuss anything of an urgent nature before then, you may contact my partner Alex Azar at 202-719-7377.

Sincerely yours,

Fred F. Fielding
(dictated but not read)

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
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Minority (202) 225–5051

February 16, 2001

Richard Ben-Veniste, Esq.
Weil, Gotshal & Manges
1615 L Street, N.W., Suite 700
Washington, D.C. 20036

Re: Interview of Terry McAuliffe

Dear Mr. Ben-Veniste:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of the Presidential pardons granted to Marc Rich and Pincus Green. I am writing to request that your client, Terry McAuliffe, participate in an interview with Committee staff regarding his involvement in this matter.

As you may know, the Committee has been examining whether the pardons of Mr. Rich and Mr. Green were made in exchange for political contributions or contributions to President Clinton's library. It is our understanding that Mr. McAuliffe was one of the lead fundraisers for Mr. Clinton's library over the last two years. We would like to interview him regarding his knowledge of the Rich and Green pardons, as well as his fundraising for the Clinton Library.

As the Committee is attempting to complete its investigation of the Rich pardon in as timely a manner as possible, we would like to conduct this interview on February 20 or 21. Please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074 to arrange a mutually acceptable time for the interview. Thank you for your cooperation with this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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Minority (202) 225–5051

February 16, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Rep. Burton:

Yesterday, you noticed a hearing for March 1, 2001, entitled *The Controversial Pardon of International Fugitive Marc Rich -- Day Two.* From press reports, I understand that you plan to subpoena former White House Counsel Beth Nolan, former Deputy White House Counsel Bruce Lindsey, and former White House Chief of Staff John Podesta to testify at this hearing. Your counsel also mentioned on *Burden of Proof* yesterday that Jack Quinn will be testifying again before the Committee at this hearing.

I am writing to request that you also invite (and subpoena, if necessary) Lewis "Scooter" Libby, who formerly was an attorney for Mr. Rich, to testify at the March 1 hearing. I also request that you request (and subpoena if necessary) all records relating to Mr. Libby's representation of Mr. Rich.

One of the central questions this Committee has been examining regarding the Rich pardon is the merits of Mr. Rich's case. Mr. Quinn gave substantial testimony about this matter at the Committee's first hearing. You also requested that Mr. Quinn and several other attorneys for Mr. Rich provide the Committee with all records relating to their representation of Mr. Rich. These requests have gone to Robert Fink, whose representation of Mr. Rich commenced in the early 1980s; G. Michael Green, whose representation of Mr. Rich commenced in the mid-1980s; and Arnold & Porter, which represented Mr. Rich beginning in mid-1999. In addition, you requested information from Professors Martin Ginsburg and Bernard Wolfman, who produced a 1990 tax analysis for Mr. Rich's attorneys and who did not participate in the pardon petition.

I understand that Mr. Libby represented Mr. Rich for at least a decade, and that, during that time, he took positions similar to those that Mr. Quinn articulated to the Committee

regarding the Rich case. Given your stated intent of conducting a thorough inquiry into the Rich matter, and your requests to various other Rich attorneys and Professors Ginsburg and Wolfman, it would be appropriate to require testimony and records from Mr. Libby regarding the Rich matter.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

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February 16, 2001

Scott D. Miller
HSBC Bank USA
One HSBC Center
Buffalo, New York 14203

Dear Mr. Miller:

I am writing in response to your letter of earlier today. As you know, I have also discussed this matter with you and Phil Toohey, HSBC General Counsel, on the telephone earlier today.

You have raised the issue of whether the provisions of the Right to Financial Privacy Act of 1978, as amended, 12 U.S.C. § 3401, et seq., are applicable to document subpoenas to financial institutions issued by the U.S. House of Representatives.

This letter is to confirm that it is the position of the U.S. House of Representatives that this statute and its requirements are inapplicable to this body. In brief, the U.S. House of Representatives does not fall within the definition of "government authority" set forth in the statute at 12 U.S.C. § 3401(3).

The House's position is supported by the holding of the United States Supreme Court in *Hubbard v. United States*, 115 S.Ct. 1754 (1995), that Congress was not a "department or agency of the United States" as that term is used in 18 U.S.C. § 1001. The Right to Financial Privacy Act defines "government authority" as "any agency or department of the United States," the same language that the *Hubbard* court held to exclude Congress.

This Committee has issued dozens of subpoenas to financial institutions for individuals' bank records, and has consistently taken this position, and every bank has agreed. I am hopeful that this letter addresses any concerns that you have about this matter. Please contact me at (202) 225-5074 if you have any further questions about this issue.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

HSBC

(716) 841-4230

16 February 2001

VIA FACSIMILE ONLY
(202) 225-3974

David Kass
Deputy Counsel
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: United States House of Representatives Subpoena
Our File No. 010002(U)

Dear Mr. Kass:

HSBC Bank USA ("HSBC") has received the subpoena regarding this matter. Upon review of the subpoena and the Right to Financial Privacy Act, HSBC believes that it is necessary that it has a Certificate of Compliance before it is permitted to release the HSBC account information. You may recall that I had mentioned my concern about the need for that certificate.

I recall that you said you were going to ask the Senior House Counsel about the issue. Neither I nor HSBC want to make this anymore difficult that necessary, but we believe that the Act requires that certificate. We certainly would appreciate the opportunity to discuss the matter with you or House Counsel.

I am out of my office for the remainder of the day but can be reached at 716-812-8669 or at my office on Tuesday. In the meantime, I have requested HSBC to locate and copy any statements of any accounts which may be, if any, responsive to the subpoena.

Very truly yours,

Scott D. Miller
Counsel

DICTATED BUT NOT PROOFREAD!

SDM\KASS\dl

HSBC Bank USA
One HSBC Center, Buffalo, NY 14203
Fax: (716) 841-5087

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
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Minority (202) 225–5051

February 16, 2001

Louie T. McKinney
Acting Director
U.S. Marshals Service
600 Army-Navy Drive
Arlington, VA 22202

Dear Director McKinney:

The Committee on Government Reform is conducting an investigation of the pardons of Marc Rich and Pincus Green. Both Mr. Rich and Mr. Green fled the United States shortly before their indictments in 1983. Before they were pardoned, the Marshals Service sought to apprehend both Rich and Green. As part of its investigation, the Committee requests all Marshals Service records relating to Marc Rich and Pincus Green.

Please produce any responsive documents by February 27, 2001. If you have any questions, please have your staff contact Committee Senior Counsel Kristi L. Remington at (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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Minority (202) 225–5051

February 16, 2001

Beth Dozoretz
3005 45th Street, N.W.
Washington, D.C. 20016

Dear Ms. Dozoretz:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of the Presidential pardons granted to Marc Rich and Pincus Green. I am writing to request that you participate in an interview with Committee staff regarding your involvement in this matter.

The Committee has received a number of records indicating that you had some involvement in discussing a potential pardon for Marc Rich with Denise Rich and President Clinton. In addition, the Committee has learned that you were involved in raising funds for the Clinton Presidential library. We would like to interview you regarding these subjects.

As the Committee is attempting to complete its investigation of the Rich pardon in as timely a manner as possible, we would like to conduct this interview on February 20 or 21. Please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074 to arrange a mutually acceptable time for the interview. Thank you for your cooperation with this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

February 20, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter dated February 12, 2001, on behalf of the Committee on Government Reform, requesting information concerning EPASS and WAVES records for Denise Rich, Danielle Rich, Ilona Rich and Philip Aouad for the period January 21, 1993 to January 20, 2001, and for Jack Quinn for the period January 1, 1999 to January 20, 2001.

It should be noted that the U.S. Secret Service began recording visitor entrances and exits (Access Control /EPASS Records) in the Access Control System beginning in June 1995. Prior to June 1995, the Access Control/EPASS Records only reflected pass holder entrances and exits into the White House Complex. It is important to note that Access Control/EPASS Records merely reflect monthly-computerized entry and exit logs for the White House Complex listed by name only. Consequently, the records searched cannot differentiate between individuals with the same name. Specific identifying information for each visitor is maintained in the WAVES (Worker and Visitor Entrance System) system of records. The Secret Service maintains the WAVES data throughout the month on the Secret Service Tandem computer. The Secret Service then turns over the monthly WAVES data, in CD ROM form, to the White House Office of Records Management during the next month and subsequently purges the data from its computer.

At the time of your February 12, 2001 request for EPASS and WAVES Data, the Secret Service had already transferred the January, 2001 WAVES data for the Clinton Administration to the White House Office of Records Management. However, the Secret Service had not yet purged the WAVES data from its computer. Consequently, the Secret Service is in possession of WAVES data related to the Clinton Administration from January 1, 2001 through January 20, 2001.

In addition, the Secret Service has been in possession of WAVES Data (reel-to-reel tapes) for the period January 1993 through early 1997, and WAVES Data (CD-ROM format) from January 1998 through December 1998. While the Secret Service is in possession of the above referenced WAVES material, this data has consistently been treated as White House Records subject to review and release by the relevant Administration.

A search of the Secret Service Access Control/EPASS Records has disclosed that there are no records indicating entry or exit to the White House Complex for Danielle Rich, Ilona Rich and Philip Aouad during the specified time period. Access Control/EPASS Records for the name Jack Quinn shows 2 records for the year 2001, 4 records in the year 2000 and 3 records in the year 1999 (see attachment #1). Access Control/EPASS Records for the name Denise Rich shows 1 record in the year 1995 (see attachment #2).

If I can be of further assistance to you in this matter, please do not hesitate to contact me at 202/406-5676.

Sincerely,

Paul D. Irving
Deputy Assistant Director

cc: The Honorable Henry A. Waxman
Ranking Minority Member

TIGHE PATTON ARMSTRONG TEASDALE, PLLC
ATTORNEYS AT LAW

1747 PENNSYLVANIA AVENUE, N.W.
SUITE 300
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CAROL ELDER BRUCE
WRITER'S DIRECT DIAL: (202) 293-8750
EMAIL: CBRUCE@TIGHEPATTON.COM

February 20, 2001

By Facsimile (202) 225-3974
James Wilson, Esquire
Chief Counsel
Government Reform Committee
Room 2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Marc Rich Pardon Inquiry

Dear Mr. Wilson:

I understand from our conversations and from media accounts that, pursuant to 18 U.S. Code § 6005, the House Government Reform Committee has notified the Department of Justice that it intends to request a compulsion order from the United States District Court for the District of Columbia, requiring my client, Denise Rich, to give testimony or provide other information to the Committee which she refuses to give or provide on the basis of her privilege against self-incrimination. This is to confirm that, on advice of counsel, absent an appropriate court order that specifically directs Ms. Rich to testify before and provide evidence to the House Government Reform Committee, Ms. Rich will continue to invoke her privilege with respect to the Committee's inquiry.

Please do not hesitate to contact me if you have any questions in this matter.

Very truly yours,

Carol Elder Bruce

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
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2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 21, 2001

VIA FACSIMILE (954) 524-5143 AND FIRST CLASS MAIL

Hugh Rodham, Esquire
Rodham & Fine, P.A.
633 Southeast Third Avenue
Suite 4R
Ft. Lauderdale, FL 33301

Re: Pardon Investigation

Dear Mr. Rodham:

The Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton on January 20, 2001. Reports received by the Committee indicate that you or your law firm may have represented individuals whose pardons currently are under review. Therefore, I request that you answer the following questions:

1. From 1992 to the present, have you or your firm represented any individual seeking any grant of federal Executive Clemency? If so, list all such individuals.

2. Have you or your firm received any payment for representing any individual seeking a grant of federal Executive Clemency or for advocating a grant of federal Executive Clemency? If so, please list all such payments and the individual making such payment.

3. Have you or any individual in your firm had contact with President Clinton, First Lady Hillary Clinton or any individual in the White House, the purpose of which was to advocate a pardon or commutation? If so, please list all such contacts, naming the individual with whom you spoke and describe the substance of such communication.

4. Please describe your role in the pardon or commutation requests of Carlos Vignali or Almon Glenn Braswell.

If you or your firm possess any records relating to any requests for Executive Clemency which you or your firm have worked on since 1993, please provide all such records to the Committee. Please respond to these questions and produce the requested documents by the close of business on February 28, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

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WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 21, 2001

Carlos Vignali
1360 S. Figueroa St.
Los Angeles, CA 90015

Re: Request for Information Regarding Presidential Pardon

Dear Mr. Vignali:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. Therefore, I request that you answer the following questions:

1. List all persons known to you who performed any service in support of your application for a federal grant of executive clemency, from 1994 through 2001.

2. Were any such persons compensated or did they receive anything of value for performing those services? If so, how much did they receive and from whom did they receive it?

3. Who in the Clinton Administration did you or anyone acting on your behalf contact regarding your application for a federal grant of executive clemency, from 1994 through 2001? Describe the time and substance of any such contacts.

4. Are you aware of anyone retaining counsel on your behalf with respect to your application for a federal grant of executive clemency? If so, who was retained; when was he retained; and who retained him?

In addition to the foregoing, please produce the following records to the Committee:

Letter to Carlos Vignali
February 21, 2001

1. All records from 1994 to the present relating to efforts to obtain a federal executive grant of clemency on your behalf;

2. All records from 1994 to the present provided on your behalf to any government office relating to a federal executive grant of clemency;

3. All records from 1994 to the present relating to contacts with any federal government official concerning a federal executive grant of clemency on your behalf; and

4. All records relating to Hugh Rodham.

Please answer the questions set forth above and produce the requested items by the close of business on February 28, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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Minority (202) 225–5051

February 21, 2001

Horacio C. Vignali
1360 S. Figueroa St.
Los Angeles, CA 90015

Re: Request for Information Regarding Presidential Pardon

Dear Mr. Vignali:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. In connection with that investigation, the Committee has received reports that you were involved in seeking clemency from President Clinton on behalf of your son, Carlos Vignali. Therefore, I request that you answer the following questions:

1. List all persons who performed any service in support of Carlos Vignali's application for a federal grant of executive clemency, from 1994 through 2001.

2. Were any such persons compensated or did they receive anything of value for performing those services? If so, how much did they receive and from whom did they receive it?

3. Who in the Clinton Administration did you or anyone acting on your behalf (or anyone on behalf of Carlos Vignali) contact regarding Carlos Vignali's application for a federal grant of executive clemency, from 1994 through 2001? Describe the time and substance of any such contacts.

4. From 1994 through 2001, did you or Carlos Vignali retain counsel with respect to Carlos Vignali's application for a federal grant of executive clemency? If so, who was retained and when was he retained?

In addition to the foregoing, please produce the following records to the Committee:

Letter to Horacio C. Vignali
February 21, 2001

1. All records from 1994 to the present relating to efforts to obtain a federal executive grant of clemency for Carlos Vignali;

2. All records from 1994 to the present provided to any government office relating to a federal executive grant of clemency for Carlos Vignali;

3. All records from 1994 to the present relating to contacts with any federal government official concerning federal executive grant of clemency on Carlos Vignali's behalf; and

4. All records relating to Hugh Rodham.

Please answer the questions set forth above and produce the requested items by the close of business on February 28, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

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February 22, 2001

Brian L. Stafford
Director
United States Secret Service
950 H Street, N.W., Suite 8400
Washington, D.C. 20001

Dear Mr. Stafford:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform requests E-Pass and WAVES records for the following individuals:

1. Hugh Rodham (from November 1, 2000, to January 20, 2001);
2. Kendall Coffey (from November 1, 2000, to January 20, 2001);
3. Roger Clinton (from November 1, 2000, to January 20, 2001); and
4. Horacio Vignali (from November 1, 2000, to January 20, 2001).

Please produce the requested items to the Committee by March 1, 2001. If you have any questions, please contact the Committee's Deputy Counsel, David Kass, at 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member



Charles Tiefer
Professor of Law

Fax: (301) 951-4271

February 22, 2001

The Honorable Dan Burton
Committee on Government Reform
2157 Rayburn HOB
Washington, DC 20515
By fax: 202 225-3974

Dear Mr. Chairman:

I represent John Podesta. You have announced that you wish him to appear at a committee hearing. I will accept service for him. You can simply fax the subpoena to me at 301 951-4271. I request that the subpoena, and anything else you communicate, be accompanied by an express statement as to whether your communication is just from the chair, as opposed to being based on authorization by, or consultation with, the minority.

Cordially,

Charles Tiefer

cc: The Honorable Henry Waxman

02-22-01 16:29 FROM-MURPHY & SHAFFER 4107838823 T-783 P.02/02 F-966

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WILLIAM J. MURPHY
ROBERT T SHAFFER, III

JOHN J CONNOLLY
HALLIE A MORELAND

February 22, 2001

BY FAX to (202) 225-3974

David Cass, Esquire
United States House of Representatives
Committee on Government Reform
2157 Rayburn Office Building
Washington, D.C. 20515

RE: Bruce Lindsey.

Dear Mr Cass:

This is to confirm that Bruce Lindsey will appear before the Committee on Thursday, March 1, 2001, at 1:00 p.m. There is no need for the Committee to subpoena Mr. Lindsey.

Very truly yours,

William J. Murphy

cc: Bruce Lindsey, Esquire

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 22, 2001

Kendall Coffey, Esquire
2665 South Bayshore Drive
Penthouse No. 2
Miami, Florida 33133

Re: Request for Documents Regarding Carlos Vignali

Dear Mr. Coffey:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations issued by President Clinton on January 20, 2001. The Committee has received reports that you were involved in the commutation request of Carlos Vignali. Therefore, the Committee hereby requests that you produce the following records:

1. All billing records reflecting work relating to efforts to obtain an Executive Grant of Clemency for Carlos Vignali;

2. All records provided to any government office relating to an Executive Grant of Clemency for Carlos Vignali; and

3. All records relating to contacts with any government official relating to an Executive Grant of Clemency for Carlos Vignali.

Please produce the requested items by the close of business on March 1, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 22, 2001

Roger Clinton
c/o Victoria Crawford
Crawford Management
108 South Frontage Road, Suite 306
Vail, Colorado 81657

Dear Mr. Clinton:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. In connection with that investigation, the Committee has received reports that you were involved in representing individuals seeking pardons from President Clinton. Therefore, I request that you answer the following questions:

1. During the Clinton Administration, have you worked on behalf of any individual who was seeking a pardon or commutation from President Clinton? If so, please list all such individuals.

2. Have you received any payment for working on behalf of any individual seeking a pardon or commutation from President Clinton? If so, please list all such payments, and the individual making such payment.

3. Have you had any contact with President Clinton or the White House in which you advocated or suggested a Presidential pardon or commutation? If so, please list all such contacts, naming the individuals with whom you spoke in the White House, and describing the substance of such commutations.

4. Please describe any role you had in the pardon or commutation requests of the following individuals: (1) Phillip Young; (2) Carlos Vignali; (3) Almon Glenn Braswell; (4) Joe McKernan; and (5) Mitchell Couey Wood.

In addition to the foregoing, please produce to the Committee any records relating to any pardon or commutation requests you have worked on, including, but not limited to, financial

records and billing records. Please respond to these questions and produce the requested documents by March 1, 2001. If you have any questions about this matter, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

ReedSmith LLP

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

February 22, 2001

Via Facsimile 202-225-3974
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: **Letter to Hugh Rodham**

Dear Mr. Chairman:

It has been reported in the media that you sent my client, Hugh Rodham, a letter yesterday, February 21, 2001. As he has not been to his office, and has no plans to go there in the near future, he has not received your letter.

I called your office to obtain a copy and was put on indefinite hold; thereafter, the line was busy. Could you please send me a copy of the letter at your earliest convenience?

Thank you for your courtesy.

Sincerely,

Nancy Luque

1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
202.414.9200
Fax 202.414.9299

Delaware
New Jersey
New York
Pennsylvania
United Kingdom
Virginia
Washington, DC

reedsmith.com

"Reed Smith" refers to Reed Smith LLP and related entities.

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PH-II-B GRAND BAY PLAZA
2665 SOUTH BAYSHORE DRIVE
MIAMI, FLORIDA 33133

KENDALL COFFEY

TELEPHONE: 305/857-9797
TELECOPIER: 305/859-9919

February 24, 2001

Chairman Dan Burton
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Burton:

Receipt is acknowledged of your letter dated February 22, 1001, which was forwarded to me yesterday, February 23rd. The reports you reference about my alleged involvement in the commutation request by Carlos Vignali are erroneous. I had no role, representation or involvement in that matter and have no records or documents responsive to your request.

Sincerely,

Kendall Coffey

Kendall Coffey

KC:lba

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 26, 2001

David E. Kendall, Esq.
Williams & Connolly
725 12th Street
Washington, D.C. 20005

Re: Subpoena to the William J. Clinton Presidential Foundation

Dear Mr. Kendall:

I have received your letter of February 22, 2001, in which you refused to comply fully with the Committee's February 13, 2001, subpoena for records from the William J. Clinton Presidential Foundation ("the Clinton Library"). Shortly, I will provide a detailed response to your legal arguments, which will make it clear that the Committee is legally entitled to the information sought in its February 13 subpoena. In the interim, the refusal of the Clinton Library to provide these records is unacceptable for at least three reasons: (1) the Committee needs to look at these records to determine whether any persons or entities having a possible interest in the Rich and Green pardons, other than those named in part 3 of the subpoena, made contributions to the Clinton Library; (2) particularly in light of recent information regarding questionable payments made in connection with other pardons granted by former President Clinton on January 20, 2001, the Committee needs to determine whether contributions were made by persons or entities with an interest in pardons other than the Rich and Green pardons; and (3) the Committee needs to evaluate the significance of the contributions made or promised by Denise Rich and Beth Dozoretz in comparison with those made by other large donors.

I note that the Committee's subpoena was limited to information regarding large donors only, namely those who contributed or pledged at least $5,000 to the Clinton Library. By contrast, *The Washington Post* recently editorialized that the "tawdriness of the facts that we do know, combined with the Clintonian ambiguity of the former president's statements about what we don't know, calls out for a fuller accounting" and suggests that the former president "[p]ublish a complete list of received and promised gifts – to the Clinton library, the Clinton households, the Clinton campaigns, the Clinton lawyer's fund."

Nonetheless, in an effort to respect the privacy interests you have asserted without compromising the Committee's ability to conduct a thorough investigation, I am prepared to offer the following accommodation. If you allow Committee staff to review the lists of

individuals who have given or pledged more than $5,000 to the Clinton Library, we may be able to eliminate a number of individuals whose contributions are not relevant to the Committee's investigation. The names of individuals deemed to have no connection to the investigation by the Committee could then be redacted from the donor and pledge lists produced to the Committee by the Clinton Library. It seems that this step would be a reasonable way of fulfilling the Committee's legitimate investigative needs while protecting the privacy interests of Clinton Library donors.

If you are not willing to accept the compromise offer I have made, I intend to pursue three options to obtain the necessary information.

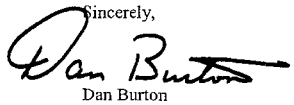
First, I will call Skip Rutherford, the President of the Clinton Library, to testify before the Committee at 11:00 a.m. on March 1, 2001. Mr. Rutherford will be asked to provide testimony regarding individuals who have given or raised more than $5,000 to the Clinton Library. He will also be asked to provide testimony regarding the involvement of Denise Rich and Beth Dozoretz in fundraising for the Clinton Library.

Second, I am prepared to consider requesting a vote to hold the Clinton Library and Mr. Rutherford in contempt for failing to provide these records to the Committee.

Third, I intend to subpoena Regions Bank and Bank of America, where the Clinton Library maintains accounts, for their bank records relating to the Clinton Library. These records should reveal at least some of the individuals who have contributed to the Clinton Library.

Please respond to my offer by 12:00 noon on Tuesday, February 27, 2001.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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DAVID E. KENDALL
(202) 434-5145
dkendall@wc.com

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

February 22, 2001

By Hand

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

On February 13, 2001, the Committee on Government Reform ("the Committee") issued a subpoena *duces tecum* directing the William J. Clinton Presidential Foundation ("the Foundation") and Mr. Skip Rutherford, President of the Foundation, to provide the Committee with all records relating to: (1) all contributions exceeding $5,000 to the Foundation; (2) all pledges exceeding $5,000 to the Foundation; and (3) twelve named individuals or entities, including Marc and Denise Rich, two of their children, and the widower of one of their children. The subpoena was returnable on February 20, 2001, and on February 16, the Committee extended the return date to noon today. The purpose of this letter is to provide you and the Committee with the Foundation's and Mr. Rutherford's response to the subpoena.

In your letter to former President Clinton, copied to me and dated February 15, 2001, you state that the Committee is "conducting an investigation of pardons issued by [former President Clinton] to Marc Rich and Pincus Green."[1] Paragraph 3

[1] On the first day of hearings on this matter, February 8, 2001, you similarly described the Committee's investigatory purpose:

of the Committee's subpoena addresses this topic, and we are therefore enclosing documents which are Bates-stamped WJCPF0001—WJCPF0048 and which are copies of all documents we have been able to identify concerning the twelve persons or entities listed in Paragraph 3. We have stamped these documents "CONFIDENTIAL." We have redacted bank account numbers, certain bank statement data, home addresses and phone numbers for privacy reasons. We also have in one instance redacted an attorney communication (WJCPF0005). The letters stamped WJCPF0040 and WJCPF0041 are form letters sent to a lengthy mailing list (WJCPF0042 and WJCPF0043 are the database entries corresponding to these letters). The documents indicate that Ms. Denise Rich is the only one of the twelve persons or entities who has made donations to the Foundation. She has made three: one by a $250,000 check dated July 15, 1998; a second by a $100,000 check dated August 7, 1999; and a third by a $100,000 check dated May 11, 2000. The documents do not reveal any outstanding pledges by Ms. Rich or the others, except for Ms. Dozoretz's pledge to raise one million dollars. We are not aware of any additional documents which might be relevant to allegations concerning the Marc Rich/Pincus Green pardons, but we will conduct a further search if you provide us with further pertinent information. We will produce any further documents we identify which are responsive to Paragraph 3.

We respectfully object to the Committee's broad request for all information concerning all persons who have contributed or pledged more than $5,000 to the Foundation. There are serious and substantial legal, precedential and public policy issues raised by this catch-all request, and we set them forth below. Accordingly, we request that you withdraw Paragraphs 1 and 2 of the subpoena. We are also prepared to present our objections in a formal motion to quash, should you deem this desirable.

> [W]e're going to be looking into the pardon of Marc Rich . . . . Our position is simple: The American people deserve to know the facts. At this point in time, we don't know all the facts. That's why we're holding this hearing.

Hearing on President Clinton's Pardon of Marc Rich Before the House Committee on Government Reform, February 8, 2001, Transcript at 5 (statement of Chairman Dan Burton).

Background

The Foundation is a charitable organization under 26 U.S.C. § 501(c)(3). It was organized to establish and support a Presidential archival depository, to house and preserve the papers of President Clinton, and to undertake and support research and educational activities on policy and historical issues related to the life and work of President Clinton. Its principal project at the outset is to plan and construct the Clinton Presidential Library, which will serve as a repository for the Presidential papers of the Clinton Administration.[2] Once constructed, the Library will be given as a gift to the federal government by the Foundation and then be operated by the National Archives and Records Administration (NARA).

The Foundation is supported by those who believe that the work of the Clinton Administration should be preserved, commemorated, archived, and displayed. Presidents of both parties, of course, have established such libraries, and collectively they are a significant educational, cultural, and historical asset. The Presidential Library system formally began in 1939, when President Franklin Roosevelt donated his personal and Presidential papers to the Federal Government. See NARA, *Presidential Libraries of the National Archives and Records Administration*, *at* http://www.nara.gov/nara/president/overview.html at 1. President Roosevelt pledged part of his estate at Hyde Park to the United States for the library, and friends of the President formed a non-profit corporation to raise funds for its construction. Id. The Franklin D. Roosevelt Presidential Library was dedicated on June 30, 1941. Id.

In 1955, at President Harry S. Truman's request, Congress passed the Presidential Libraries Act (now codified at 44 U.S.C. §§ 2101 & 2112), which established a system of privately erected and federally maintained libraries. Id. Under this and subsequent acts, nine more presidential libraries have been established. Id. In each case, private and nonfederal public sources provided the

---

[2] The Presidential Libraries Act of 1986, 44 U.S.C. §§ 2101 & 2112, defines a "presidential archival depository" as "an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President of the United States, or related to his papers or to the events of his official or personal life, and may include research facilities and museum facilities in accordance with this chapter[.]" 44 U.S.C. § 2101(1).

funds to build the library. Id. Once completed, the private organizations turned over the libraries to NARA to operate and maintain. Id. at 2.

In the Presidential Libraries Act of 1986 ("the Act"), Congress significantly altered the procedure through which Presidential libraries are funded. Among other changes, Congress mandated that the National Archivist "shall not accept or take title to any land, facility, or equipment" donated to or provided for use by a Presidential library, unless the Archivist determines that there is an "endowment with respect to [the library]" that will offset a substantial portion of the maintenance costs generated by the gift or provision.[3] See 44 U.S.C. § 2112(g)(3). Thus, under the Act, the Foundation must also raise funds for a substantial endowment to be conveyed to the National Archives to help maintain the Library.

The Committee's Subpoena

This Committee's sweeping request for all records of all contributions of $5,000 and more to the Foundation is invalid for three fundamental reasons. First, it violates the First Amendment of the United States Constitution. Second, it constitutes an unprecedented intrusion upon the operation of a Presidential library foundation. And finally, the request ignores the well-established and significant public policy considerations supporting the confidentiality of contributor lists.

First, the Committee's request is unconstitutional. As a charitable organization, the Foundation enjoys special protection under the First Amendment to the United States Constitution. See Riley v. Nat'l Fed'n of the Blind, Inc., 487 U.S. 781, 796 (1988); Sec'y of Maryland v. Joseph H. Munson Co., 467 U.S. 947, 949 (1984); Village of Schaumberg v. Citizens for a Better Environment, 444 U.S. 620 (1980). The Supreme Court has recognized that charities engage in "informative and perhaps persuasive speech seeking support for particular causes or for particular views on economic, political, or social issues[.]" 444 U.S. at 630. Accordingly, the associational rights of these organizations and their donors may not be infringed. "The First and Fourteenth Amendment rights of free speech and free association are fundamental and highly prized, and need breathing space to survive." Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 544 (1963). "Freedoms such as these are protected not only against heavy-handed

[3] The Act uses a complicated formula to determine the required size of an endowment. See 44 U.S.C. § 2112(g)(3)(A)-(C).

frontal attack, but also from being stifled by more subtle governmental interference." Bates v. City of Little Rock, 361 U.S. 516, 523 (1960).

The broad protection afforded to charitable organizations under our Constitution encompasses the donor and membership lists of those organizations. See NAACP v. Alabama, 357 U.S. 449, 460 (1958). As declared by the Supreme Court, "It is hardly a novel perception that compelled disclosure of affiliation in groups engaged in advocacy may constitute [an] . . . effective . . . restraint on freedom of association . . . . This Court has recognized the vital relationship between freedom to associate and privacy in one's associations. . . . Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association[.]" Id. at 462. Compelling an organization to disclose the names of its members or donors has "the practical effect of discouraging the exercise of constitutionally protected political rights." Id. at 461. This 'chilling' effect exists even when it is not the government's intention to suppress particular expression. Id.; see also Brown v. Socialist Workers '74 Campaign Committee, 459 U.S. 87, 91-92 (1982) (noting that compelled disclosure of minor party membership could subject members to "threats, harassment, and reprisals").

Accordingly, subpoenas seeking donor lists are subject to exacting First Amendment scrutiny. "[I]t is an essential prerequisite to the validity of an investigation which intrudes into the area of constitutionally protected rights of speech, press, association and petition that the State convincingly show a substantial relation between the information sought and a subject of overwhelming and compelling state interest." Gibson, 372 U.S. at 546. "To permit legislative inquiry to proceed on less than an adequate foundation would be to sanction unjustified and unwarranted intrusions into the very heart of the constitutional privilege to be secure in associations in legitimate organizations engaged in the exercise of First and Fourteenth Amendment rights." Id. at 558. "[E]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." Shelton v. Tucker, 364 U.S. 479, 488 (1960).

The Committee's sweeping subpoena fails this First Amendment test. The subpoena's request for "all records" relating to "all donations" to the Foundation in excess of $5,000 is impermissibly broad. See Shelton, 364 U.S. at 487. There is no apparent relationship between the Foundation's supporters as a group and the Rich

and Green pardons, much less the "substantial one" necessary for such a subpoena.[4] The subpoena is thus a classic fishing expedition. Enforcement would subject donors who had nothing to do with the Rich/Green pardons to the very public scrutiny and harassment that gives rise to the protection in the first instance. Absent an "adequate foundation" for this kind of intrusion, enforcement of the subpoena would constitute precisely the "unjustified and unwarranted intrusion into the very heart of the constitutional privilege" that the law plainly protects against. Gibson, 372 U.S. at 558; see also Watkins v. United States, 354 U.S. 178, 200 (1957); Tobin v. United States, 306 F.2d 270 (D.C. Cir. 1962).

Second, we are aware of no precedent for the Committee's intrusion into the operation of a Presidential library foundation. Presidential libraries routinely solicit and receive contributions and maintain those contributions in confidence as an important part of their support. "'There is a long tradition and a need in fund raising to keep these things private,' said Don Wilson, the former executive director of the George Bush Presidential Library Foundation who led its fund-raising campaign. 'Individuals give and they give anonymously. It's very difficult to seek money and say that it will be a public record.'"[5] Similarly, former Attorney General Meese, who helped raise funds for the Reagan Library, has said that "anonymity is important to many wealthy donors. 'Usually it is a good idea to keep donors anonymous . . . . If their names are public, a lot more people ask them for funds.'"[6] Congress has itself recognized the importance of maintaining the confidentiality of donors' identities. In Section 6104(b) of the Internal Revenue Code, dealing with the compulsory public disclosure of annual tax returns of tax-exempt organizations, Congress specifically prohibits the Internal Revenue Service from requiring the public disclosure of the name or address of any contributor.

---

[4] For this reason, the subpoena is also invalid as exceeding the scope of the Committee's legislative purpose. See Watkins v. United States, 354 U.S. 178, 198 (1957) (holding that where the information requested from a subpoenaed witness by Congress is "unrelated to any legislative purpose," the individual's constitutional right to privacy outweighs the Committee's interest in the information).

[5] Crouch, Subpoena of Donor List Distresses Nonprofits, Arkansas Democrat Gazette, February 15, 2001, at 7A.

[6] Id.

The invasiveness and potential chilling impact of the Committee's request is all the more concerning in light of the fact that the fund-raising efforts of the Foundation are clearly contemplated by the Congressional enactments establishing and regulating the Presidential library system. The Foundation must raise funds both to build a facility to be given to the government and to help maintain the facility. To hinder the Foundation's fund raising efforts through compelled disclosure of the contributor list is therefore not only unfair to the Foundation and its contributors, but also counter to the very system of private financing for Presidential libraries that Congress itself has established.

Finally, there are important public policy reasons for keeping supporter lists confidential. Individuals and entities contribute to charities and foundations with the expectation that their gifts will remain confidential. As the Supreme Court has stated in a related context, "[t]he decision in favor of anonymity may be motivated by fear of . . . retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible." McIntyre v. Ohio Elections Commission, 514 U.S. 334, 341-42 (1995). When the government undermines this individual choice to remain anonymous by compelling the disclosure of supporters' identities, it simultaneously undermines the ability of foundations and charities to solicit support in the future. "The threat of disclosure entailed in the existence of an easily accessible list of contributors may deter the exercise of First Amendment rights as potently as disclosure itself." California Bankers Association v. Shultz, 416 U.S. 21, 98 (1974) (Marshall, J., dissenting). Thus, the end result of such an intrusion is not only the harm inflicted upon individual donors, but also the harm to the ability of foundations and charities to contribute to our national welfare. As the Court has noted, "[t]he right to join together for the advancement of beliefs and ideas is diluted if it does not include the right to pool money through contributions, for funds are often essential if advocacy is to be truly or optimally effective." Buckley v. Valeo, 424 U.S. 1, 65-66 (1976) (per curiam).

Today, we have disclosed documents relating to the twelve persons and entities specified in Paragraph 3 of the Committee's subpoena. Let me state once again that we remain prepared to search for and produce any additional documents that meet the exacting constitutional requirements set forth above. Nicole Seligman and I would be pleased to discuss this matter further with you.

Sincerely,

David E. Kendall

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 26, 2001

I. Lewis Libby
Chief of Staff
Office of the Vice President
The White House
Washington, D.C. 20500

Dear Mr. Libby:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 11:00 a.m.

The Committee will inquire about certain presidential pardons that were granted by President Clinton on January 20, 2001. I would like to request your attendance at this hearing, so that you can testify about your knowledge of the Rich pardon. You will appear on the third panel of this hearing, with Robert Fink and Peter Kadzik, two attorneys who worked on the Marc Rich pardon.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 26, 2001

Thomas C. Green
Sidley & Austin
1722 I Street, N.W.
Washington, D.C. 20006

Dear Mr. Green:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 11:00 a.m.

The Committee will inquire about certain presidential pardons that were granted by President Clinton on January 20, 2001. I have requested the attendance of your client Beth Dozoretz at this hearing, so that she can testify about her knowledge of the Rich pardon. Committee members may also inquire as to Ms. Dozoretz's fundraising activities for the William J. Clinton Presidential Foundation. Ms. Dozoretz, along with Skip Rutherford will appear on the first panel of this hearing.

If Ms. Dozoretz wishes to make an opening statement, it is requested that she provide 100 copies of her written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, she should also provide a computer disk containing a copy of her written testimony. At the hearing, we ask the witness to summarize her testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, or the at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate Ms. Dozoretz's willingness to appear, and look forward to her testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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February 26, 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

I represent Ms. Beth Dozoretz. On February 26, 2001, I accepted service of a subpoena directed to Ms. Dozoretz requiring her testimony on March 1, 2001. Because of the pendency of other investigations, Ms. Dozoretz, upon advice of counsel, has elected to invoke her constitutional privilege not to testify. I apologize for any inconvenience this may cause in connection with the scheduling of your upcoming hearing.

Inasmuch as I anticipate that the press will report on this development, I am asking that you not require my client to invoke, in person, her privilege before the Committee on March 1.

Sincerely yours,

Thomas C. Green

TCG/thj

DAN BURTON, INDIANA,
CHAIRMAN

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

February 26, 2001

Thomas C. Green, Esq.
Sidley & Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Dear Mr. Green:

Thank you for your letter of earlier today. I am disappointed that Ms. Dozoretz plans on invoking her Fifth Amendment rights when called to testify at the Committee's hearing on March 1, 2001. Notwithstanding your representations, Ms. Dozoretz will be required to testify before the Committee, pursuant to the subpoena issued to her on February 23, 2001.

Sincerely,

Dan Burton

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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Minority (202) 225–5051

February 26, 2001

Fred F. Fielding
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Fielding:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 11:00 a.m.

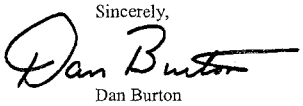
The Committee will inquire about certain presidential pardons that were granted by President Clinton on January 20, 2001. I would like to request the attendance of your client Robert F. Fink at this hearing, so that he can testify about his knowledge of the Rich pardon. Mr. Fink will appear on the third panel of this hearing, with I. Lewis Libby and Peter Kadzik.

If Mr. Fink wishes to make an opening statement, it is requested that he provide 100 copies of his written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, he should also provide a computer disk containing a copy of his written testimony. At the hearing, we ask the witness to summarize his testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate Mr. Fink's willingness to appear, and look forward to his testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

February 26, 2001

Peter Kadzik
Dickstein Shapiro Morin & Oshinsky L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037

Dear Mr. Kadzik:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Controversial Pardon of International Fugitive Marc Rich – Day Two." The hearing is scheduled for March 1, 2001, in room 2154 of the Rayburn House Office Building at 11:00 a.m.

The Committee will inquire about certain presidential pardons that were granted by President Clinton on January 20, 2001. I would like to request your attendance at this hearing, so that you can testify about your knowledge of the Rich pardon. You will appear on the third panel of this hearing, with Robert Fink and I. Lewis Libby.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing. We appreciate your willingness to appear, and look forward to your testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-

U-01, 0148/DM-CA

26 February 2001

Honorable Dan Burton
Chairman, Committee on
Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Reference your February 12, 2001 letter to VADM Wilson, Director, Defense Intelligence Agency (DIA) requesting information on Marc Rich and Pincus Green.

We have performed a thorough search of our data files and library holdings for any DIA documents pertaining to Marc Rich, Pincus Green, their companies Marc Rich & Co., RICHCO, Clarendon, and their subsidiaries. The search yielded the following three documents which we are providing to your staff under separate cover: No. 00480978, 120423Z SEP 91, No. 00161415, 251924Z FEB 92, and No. 00168334, 072053Z OCT 94.

If we may be of any further assistance, our point of contact for this matter is Mr. David Cohen, 703-697-5101.

FOR THE DIRECTOR:

WILLIAM R. GRUNDMANN
Chief, Office of Congressional Affairs

cc:
Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

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JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

February 27, 2001

David E. Kendall, Esq.
Williams & Connolly
725 12th Street, N.W.
Washington, D.C. 20005

Re: Subpoena to the William J. Clinton Presidential Foundation

Dear Mr. Kendall:

I am writing in response to a telephone conversation this evening between you and the Committee's Chief Counsel. It appears there has been a miscommunication as to the nature of the lists which are being prepared by the Clinton Foundation for review by the Committee. You informed Mr. Wilson that the lists you are preparing contain only the identities of donors, and do not include the amounts of their contributions. I expected that the list provided by the Foundation will include the name of the individual or entity making the contribution/pledge, contribution/pledge amounts, and date of contribution/pledge, for all contributions and pledges above $5,000 to the William J. Clinton Presidential Foundation. It will be very difficult to analyze these lists in the absence of this information, and accordingly, I request that you provide this information for review by the Committee.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Nicole Seligman, Esq.

diGENOVA & TOENSING
ATTORNEYS-AT-LAW

February 27, 2001

VIA FACSIMILE (202/225-3974) AND VIA MESSENGER

Honorable Dan Burton
Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

On behalf of our client, Jack Quinn, we transmit with this letter his answers to the nine questions tendered in your letter of February 15, 2001.

Sincerely,

Joseph E. diGenova
Victoria Toensing

Enclosure

cc: Honorable Henry A. Waxman, Ranking Minority Member

901 15TH STREET, N.W. • SUITE 430 • WASHINGTON, DC 20005
202-289-7701 • 202-289-7706 (FAX)

1. Please describe all contacts you have had with former President Bill Clinton about the pardon of Marc Rich and Pincus Green, both before and after January 20, 2001. In your response, please describe the date, time, manner, and substance of each such contact.

On the evening of January 19, 2001, I spoke to President Clinton by telephone. In general, we discussed the merits of the case I had made in the written pardon application filed on December 11, 2000, particularly whether the case against Messrs. Rich and Green could have been treated as a civil rather than criminal matter and whether Messrs. Rich and Green might still be exposed to civil penalties. I agreed to fax a letter on behalf of the two men waiving procedural defenses to any civil penalties that might be assessed without conceding that such penalties would be appropriate or required by law. We undoubtedly discussed other aspects of the pardon petition and the case for granting it, but the statements above constitute my best present recollection of the conversation.

On January 24, 2001, President Clinton and I spoke by phone regarding the press coverage of the Rich pardon. In that conversation, President Clinton stated that he thought that I should be more aggressive about getting the merits of the legal arguments made in support of the pardon out to the news media. He suggested that I offer an op-ed piece to the media. In addition, in this conversation, I told President Clinton that I had heard from Deputy Attorney General Holder that he had advised the White House Counsel that he was "neutral, leaning to favorable" in the Rich pardon. President Clinton confirmed that this was his understanding as well.

Although these are the only two conversations I had with President Clinton about the pardons, I had unsuccessfully attempted several times to contact him prior to our conversation on the 19th. Additionally, I indicated to him once in person that I hoped to have a conversation with him, although I did not indicate that it would be about Marc Rich or a pardon.

2. Did you represent Pincus Green in the pardon application process?

No. Mr. Green was represented by Robert Fink, an attorney with Piper Marbury Rudnick and Wolfe LLP. The pardon petition, which I submitted along with Ms. Behan and Mr. Fink, was on behalf of Marc Rich and Pincus Green.

3. Given your belief that Marc Rich was not a citizen of the United States, did you register under the Foreign Agents Registration Act? If so, please provide a copy of your registration to the Committee.

No, I did not register under the Foreign Agents Registration Act because I was not required to do so. The pertinent portion of the Act provides as follows:

Section 613. The requirements of section 612 (a) of this title shall not apply to the following agents of foreign principals:

> (g) Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: Provided, That for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.

4. Who prepared the page titled "Letters Expressing Support for the Pardon of Marc Rich," which is Attachment 1 to [the February 15, 2001] letter?

   To the best of my knowledge, this page was prepared by Kathleen Behan, an attorney with Arnold & Porter, and Avner Azulay, the head of The Rich Foundation.

5. Who prepared the page titled "List of Letters of Support for Marc Rich and Foundation," which is Attachment 2 to [the February 15, 2001] letter?

   To the best of my knowledge, this page was prepared by Kathleen Behan, an attorney with Arnold & Porter, and Avner Azulay, the head of The Rich Foundation.

6. Did you have any dealings with the Marc Rich case while you served in the Clinton Administration?

   No.

7. Were you ever contacted by Mr. Rich or any attorney representing Mr. Rich while you served in the Clinton Administration?

   No.

8. Are you aware of any efforts by Denise Rich or Beth Dozoretz to secure Presidential pardons for any individuals other than Marc Rich or Pincus Green?

I have no personal knowledge. I am aware of the February 8, 2001 hearing Exhibit 63 regarding a third-hand report of Beth Dozoretz's conversation with President Clinton in which the Milken pardon was reportedly discussed.

9. Did you represent any other individuals seeking a pardon from President Clinton? If so, please list each client you represented seeking a pardon from President Clinton.

No.

LAW OFFICES
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DAVID E. KENDALL
(202) 434-5145
dkendall@wc.com

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

February 27, 2001

By Hand

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Subpoena to the William J. Clinton Foundation

Dear Mr. Chairman:

Thank you for your letter dated February 26, 2001. As you are no doubt aware, the Foundation has, pursuant to this subpoena, produced to the Committee all Marc or Denise Rich related documents (as well as documents related to the other persons and entities listed in Paragraph 3) in the Foundation's possession. We did identify, however, significant constitutional and institutional concerns about wholesale production to the Committee of donor and pledge lists. You have proposed a compromise which is basically acceptable, and will, I believe, both accommodate our concerns and allow the Committee to proceed with its legitimate legislative purposes.

I should first note that the Foundation is in the process of complying with a subpoena issued by a grand jury of the United States District Court for the Southern District of New York and will be producing, inter alia, lists of and documents pertaining to all persons who have given or pledged to the Foundation an amount in excess of $5000. This production will be protected by stringent grand jury secrecy rules and the force of Rule 6(e), Federal Rules of Criminal Procedure, and will enable the Foundation to cooperate fully with the grand jury while protecting the privacy interests we have identified.

We appreciate the accommodation you have proposed "in an effort to respect the privacy interests [the Foundation] has asserted without compromising the Committee's ability to conduct a thorough investigation." The only clarification we would seek is that it be you and the Ranking Minority Member who review the approximately 150 names on the donor and pledge lists at issue here. We do not believe this would be an onerous task, and having you and Congressman Waxman perform it personally will provide an additional safeguard against unauthorized disclosure and will help afford the Foundation the type of confidentiality mandated by law for other 501(c)(3) institutions like the Foundation. If you both decide that someone on the list is relevant to your investigation, we will produce to you all Foundation documents relating to that name. You both will, of course, have a chance to review all the names of people who have pledged or contributed more than $5000. If the Foundation has any information that would help clarify whether a particular name on the over-$5000 donor/pledge list is in fact relevant to the Committee's investigation, we would provide such information as an intermediate step before providing all records relating to such name.

This compromise procedure, in addition to the Foundation's earlier production to the Committee of all Marc or Denise Rich related documents and our full cooperation with a federal grand jury, should lay to rest any questions about the planned Library and the Clinton Presidential Foundation. I should observe that the Foundation has received over 35,000 donations of $5000 and under supporting development of the Clinton Library.

Pursuant to your February 26 letter, I trust this compromise will avoid the necessity of imposing on Mr. Rutherford by having him travel to Washington, D.C., to give live testimony on March 1.

Sincerely,

David E. Kendall

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
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MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
[illegible] MILLER, FLORIDA
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

February 27, 2001

David E. Kendall, Esq.
Williams & Connolly
725 12th Street, N.W.
Washington, D.C. 20005

Re: Subpoena to the William J. Clinton Presidential Foundation

Dear Mr. Kendall:

Thank you for your letter of earlier today. I believe that we will be able to reach a compromise which allows the Committee to obtain the information it needs for its investigation, and protects the privacy concerns asserted by the Clinton Foundation. However, your letter leaves two issues in need of further clarification: first, who will be reviewing the records; and second, the process by which the Committee will receive records after the review has been completed.

First, the lists provided by the Foundation should be available for review by the Chairman and Ranking Minority Member, as well as two staff each from the majority and minority side. This step will facilitate the analysis needed to determine the relevance of contributors to the Committee's investigation, without compromising the privacy interests you have claimed.

Second, you should understand that by reaching this agreement, the Committee continues to reserve its rights to pursue the subpoenaed records. While I hope that after the review, the Foundation, the majority, and the minority will all agree which records are needed, such agreement may not occur. If I determine that a particular name is relevant to the Committee's investigation, and if you or the Ranking Minority Members disagrees, I expect that the name will be turned over to the Committee. If you refuse to provide records which I continue to request after the review, the Committee will reserve its rights to hold the Foundation in contempt for the failure to provide the requested records. In addition, the Committee will continue to reserve its rights to subpoena the Foundation's banks to obtain the names of donors to the Foundation.

I will also note that it is necessary that the initial review of the donor and pledge lists take place before the Committee's hearing on Thursday. Provided that these conditions are met, it may not be necessary for Mr. Rutherford to testify at Thursday's hearing.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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WILLIAMS & CONNOLLY LLP
725 TWELFTH STREET, N.W.
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EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

February 27, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

Former President Clinton has requested that I respond to your letter to him, dated February 15, 2001, copied to me, requesting him to waive all Executive Privilege claims he might be able to assert with respect to the testimony of former White House officials "over communications pertaining to the pardons of Mr. Rich and Mr. Green." He has asked me to inform you that he will interpose no Executive Privilege objections to the testimony of his former staff concerning these pardons, or to other pardons and commutations he granted.

Sincerely,

David E. Kendall

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Judge Alberto R. Gonzales, White House Counsel

KIRKLAND & ELLIS
PARTNERSHIPS INCLUDING PROFESSIONAL CORPORATIONS

655 Fifteenth Street, N.W.
Washington, D.C. 20005

202 879-5000

Facsimile:
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Laurence A. Urgenson
To Call Writer Directly:
(202) 879-5145
Laurence_Urgenson@dc.kirkland.com

February 27, 2001

VIA FACSIMILE AND HAND DELIVERY

James C. Wilson
Chief Counsel
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20512-6143

Dear Mr. Wilson:

As counsel for Marc Rich, I am writing at his request to respond to Chairman Burton's February 15, 2001 letter asking that Mr. Rich appear before the House Committee on Government Reform and waive all claims of attorney-client privileges in this matter.

I appreciate and respect the Committee's view of its responsibilities, its investigation and its desire to speak with Mr. Rich. With regard to the Committee's request for documentation, Mr. Rich wishes to cooperate with your Committee to the fullest extent consistent with the applicable attorney-client privileges. However, I am mindful that the various investigations underway encompass a wide range of matters. Should Mr. Rich waive his privilege with respect to any of these inquiries, it may be asserted that he has thereby waived important and legitimate privilege claims with respect to all current or future government investigations or private actions concerning a far-reaching subject matter. In addition, in view of present circumstances, we would respectfully request that discussions regarding his possible appearance be deferred.

With these considerations in mind, Mr. Rich has asked me to inform the Committee that he must continue to rely on the advice of his lawyers and, therefore, is unable to comply with the Committee's requests at this time.

Sincerely,

Laurence A. Urgenson

SIDLEY & AUSTIN
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tcgreen@sidley.com

February 27, 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

I appreciate your quick reply to my letter to you of yesterday. I feel obliged to implore you to reconsider your decision to require Ms. Dozoretz to appear in person on March 1 to invoke her constitutional right to decline to testify. In the face of an ongoing Department of Justice criminal investigation, no experienced attorney would permit his client to testify without clarification of the contours of the criminal investigation and the status of his client in connection therewith.

The great weight of judicial and professional opinion supports the proposition that a witness should not be compelled to exercise his or her Fifth Amendment privilege in a public proceeding where the witness has provided notice that he or she will decline to testify on the basis of such privilege. As stated in my letter of yesterday, except for questions relating to her identity, I am representing to you that Ms. Dozoretz will invoke her privilege in respect to each and every other question propondered to her by the Committee.

Requiring Ms. Dozoretz to appear before the Committee will only serve to embarrass and humiliate her unnecessarily, and there is simply no compelling reason for the Committee to insist on a personal appearance. In fact, it is my understanding that the Committee has excused at least one other witness who also made known her intention to invoke her constitutional rights. Accordingly, I ask that you give sympathetic consideration to my request that Ms. Dozoretz be excused from appearing on March 1.

Sincerely yours,

Thomas C. Green

TCG/thj

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
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February 27, 2001

VIA FACSIMILE

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burton:

I am in receipt of your letter dated February 26, 2001, requesting I testify at a hearing of the Committee on Government Reform scheduled for March 1, 2001.

On that date I will be in California at a previously scheduled meeting.

I intend to fully cooperate with the Committee's efforts. I will return to Washington next week and am willing to meet with you or your staff at a mutually convenient time.

Sincerely,

Peter J. Kadzik

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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February 28, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: House Committee on Government Reform Hearing - Day Two

Dear Mr. Chairman:

Your letter of February 26, 2001 invited my client, Robert F. Fink, to appear before the Committee on March 1, 2001. Mr. Fink will appear and make a brief opening statement. Enclosed please find 100 copies of Mr. Fink's written testimony and a computer disk containing a copy of his written testimony.

Please feel free to contact me should you or your staff have any questions or concerns.

Thank you.

Sincerely,

Fred F. Fielding

Enclosures

cc: The Honorable Henry Waxman

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

FAX COVERSHEET

Date: February 28, 2001

To: Kristi Remington - 225-3974
Mike Yang - 226-3348

From: Dave Blake

Phone No.: 202-616-7875
Fax No.: 202-514-9149

Total No. of Pages: 6

Comments:

Per your conversations with Faith Burton.

FILE NO./FILE NAME	NUMBER OF VOLUMES	DESCRIPTION OF DOCUMENTS
NY 196A-1774 MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B) ; FBW, MF, RICO, INCOME TAX EVASION, TRADING WITH THE ENEMY; OO: NEW YORK	16 VOLUMES - APPROXIMATELY 6000 PAGES	RELATES TO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN. CONTAINS CLASSIFIED INFORMATION; CLASSIFIED INFORMANT INFORMATION; NUMEROUS FEDERAL GRAND JURY MATERIAL; DOCUMENTS WRITTEN IN FOREIGN LANGUAGE FROM FOREIGN ENTITIES; AND COOPERATING WITNESSES TESTIMONY.
HQ 196-2848 MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B) ; FBW, MF, RICO, INCOME TAX EVASION, TRADING WITH THE ENEMY; OO: NEW YORK	5 VOLUMES - APPROXIMATELY 1875 PAGES	THIS IS THE HQ VERSION OF THE NEW YORK FILE WHICH RELATES TO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN CONTAINS CLASSIFIED INFORMATION; CLASSIFIED INFORMANT INFORMATION; POSSIBLE FEDERAL GRAND JURY MATERIAL; DOCUMENTS POSSIBLY WRITTEN IN A FOREIGN LANGUAGE FROM FOREIGN ENTITIES

FILE NO/FILE NAME	NUMBER OF VOLUMES	DESCRIPTION OF DOCUMENTS
WF 196-1563 (A) (SAME AS ABOVE)	5 VOLUMES - APPROXIMATELY 1875 PAGES	THIS IS THE WASHINGTON FIELD OFFICE INVESTIGATIVE FILE WHICH CORRESPONDS WITH THE NEW YORK INVESTIGATION INTO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN CONTAINS CLASSIFIED INFORMATION; CLASSIFIED INFORMANT INFORMATION;
RO 196-112 (SAME AS ABOVE)	1 VOLUME - APPROXIMATELY 375 PAGES	THIS IS THE LEGAT ROME INVESTIGATIVE FILE WHICH CORRESPONDS WITH THE NEW YORK INVESTIGATION INTO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN. CONTAINS CLASSIFIED INFORMATION; FEDERAL GRAND JURY INFORMATION;

FILE NO./FILE NAME	NUMBER OF VOLUMES	DESCRIPTION OF DOCUMENTS
NY 196-1774 (BR) (SAME AS ABOVE)	1 VOLUME - APPROXIMATELY 375 PAGES AND 7 MICROFICHE CARDS, THE NUMBER OF VOLUMES AND PAGES UNKNOWN UNTIL DOCUMENTS ARE REPRODUCED	THIS IS THE LEGAT BERN INVESTIGATIVE FILE WHICH CORRESPONDS WITH THE NEW YORK INVESTIGATION INTO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN. CONTAINS CLASSIFIED INFORMATION; POSSIBLE FEDERAL GRAND JURY INFORMATION;
163A-BR-C7068 FOREIGN POLICE COOPERATION - GENERAL CRIMINAL MATTER ; MARC RICH PRESS AND REPORTING TRENDS; FPC-GCM (CONTROL FILE)	1 VOLUME - APPROXIMATE PAGES UNKNOWN BUT CONTAINS 3 SERIALS.	THIS IS A PUBLICITY FILE WHICH CONTAINS NEWSPAPER ARTICLES AND DOCUMENTS OBTAINED FROM THE INTERNET REGARDING MARC RICH AND PINCUS GREEN. THIS FILE WAS CREATED TO CONTAIN INFORMATION REGARDING THE PARDON. .

FILE NO/FILE NAME	NUMBER OF VOLUMES	DESCRIPTION OF DOCUMENTS
NH 196B-C795 MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B) ; FBW, MF, RICO, INCOME TAX EVASION, TRADING WITH THE ENEMY; OO: NEW YORK	2 VOLUMES - APPROXIMATELY 750 PAGES	THIS IS THE NEW HAVEN FIELD OFFICE FILE WHICH CORRESPONDS WITH THE NEW YORK INVESTIGATION INTO THE CRIMINAL INVESTIGATION OF MARC RICH, PINCUS GREEN AND OTHERS AND THE FUGITIVE CASE STATUS OF MARC RICH AND PINCUS GREEN. CONTAINS CLASSIFIED INFORMATION; POSSIBLE FEDERAL GRAND JURY INFORMATION;
HQ 211-0 SERIAL 72 ETHICS IN GOVERNMENT ACT O 1978; UNSUBSTANTIATED ALLEGATIONS; [redacted]	2 PAGES	AN INVESTIGATION INTO THE ALLEGATION THAT [redacted]
80-HQ-1287080 PUBLIC RELATIONS MATTER; FUGITIVE PUBLICITY FILE;	1 VOLUME APPROXIMATELY 75 PAGES	PUBLIC RELATIONS MATTER-FUGITIVE PUBLICITY FILE CONTAINING INFOR-MATION FOR THE AMERICA' S MOST WANTED TELEVISION SHOW.

FILE NO./FILE NAME	NUMBER OF VOLUMES	DESCRIPTION OF DOCUMENTS
HO 190-661 FOIPA REQUEST ARMADA PETROLEUM CORP.; [redacted] ET AL	1 VOLUME - APPROXIMATELY 375 PAGES	FOIA REQUEST RECEIVED FROM ATTORNEY MARK L. WAWRO. WAWRO WAS SEEKING RECORDS ON ARMADA PETROLEUM COMPANY AND OTHER COMPANIES AND INDIVIDUALS AFFILIATED OR ASSOCIATED WITH ARMADA. MR. WAWRO'S FOIA REQUEST STEMMED FROM AN INVESTIGATION OF ARMADA AND ASSOCIATES FOR OIL REPRICING.
272H-DN-45036 [redacted] MARK RICH; aka MARC RICH dba CORDILLERA AT VAIL; MONEY LAUNDERING; OO: DN	1 VOLUME -- 4 PAGES	AN INVESTIGATION WHICH WAS DETERMINED TO NOT MEET THE CRITERIA FOR A BUREAU MONEY LAUNDERING INVESTIGATION

FEB-28-01 19:03 FROM: REED SMITH LLP

ReedSmith LLP

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

February 28, 2001

Via Facsimile 202 225 3974
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Pardon Investigation

Dear Mr. Chairman:

This will respond to your February 21, 2001 letter inquiry to my client, Hugh Rodham. He appreciates the opportunity to respond in this manner. You have asked the following questions:

1. From 1992 to present, have you or your firm represented any individual seeking any grant of federal Executive Clemency? If so, list all such individuals.

Mr. Rodham's firm represented Mr. Carlos Vignali and Mr. A. Glenn Braswell in connection with their petitions for executive clemency.

2. Have you or your firm received any payment for representing any individual seeking a grant of federal Executive Clemency or for advocating a grant of federal Executive Clemency? If so, please list all such payments and the individual making such payment.

Mr. Vignali's father made one payment for $4,280 and a second payment for $200,000, on his son's behalf.

Mr. Braswell made one payment for $30,000 and wire transferred $200,000, minus wire fees, to Mr. Rodham's law firm.

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3. Have you or any individual in your firm had contact with President Clinton, First Lady Hillary Clinton or any individual in the White House, the purpose of which was to advocate a pardon or commutation? If so, please list all such contacts, naming the individuals with whom you spoke and describe the substance of such communication.

See response to question 4 below.

4. Please describe your role in the pardon or commutation requests of Carlos Vignali or Almon Glenn Braswell.

Mr. Rodham had no contact with either President Clinton or Senator Clinton regarding either of these matters.

With respect to Mr. Vignali, Mr. Rodham recalls three contacts with Bruce Lindsay of the White House Counsel's office. He submitted and discussed the merits of Mr. Vignali's petition, he subsequently submitted and discussed letters of recommendation, and he made a final follow up inquiry.

With respect to Mr. Braswell, Mr. Rodham recalls at least two contacts with Meredith Cabe of the White House Counsel's office. He forwarded a letter to her written to President Clinton by Kendall Coffee on Mr. Braswell's behalf, and he made a follow-up inquiry.

Finally, with respect to the Committee's request for records, I called the Committee's Chief Counsel, as is suggested in the letter request, to seek additional time to comply. Because these records may be subject to attorney-client privilege, the additional time will assure a more careful review.

Sincerely,

Nancy Ludue

cc: Honorable Henry Waxman (via fax)
Ranking Minority Member

JON A. SALE
BENEDICT P. KUEHNE*
*BOARD CERTIFIED
CRIMINAL TRIAL PRACTICE AND
APPELLATE PRACTICE

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FORT LAUDERDALE, FLORIDA 33301-2229
954-524-1114

REPLY TO: Miami

March 1, 2001

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2167 Rayburn House Office Bldg.
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This letter responds to your February 16, 2001 letter addressed to my client, Kendall Coffey. I am setting out your requests and Mr. Coffey's responses:

1. All billing records reflecting work relating to efforts to obtain an Executive Grant of Clemency for Almon Braswell.

We are in the process of attempting to resolve privilege issues relating to this inquiry and expect to be able to provide a definitive response by the close of business on March 7, 2001.

2. All records provided to any government office relating to an Executive Grant of Clemency for Almon Braswell.

We are making good faith efforts to determine what records fit into this category and, as indicated in our response to request number 1, will provide a more definite response to you by the close of business on March 7, 2001.

3. All records relating to contacts with any government official relating to an Executive Grant of Clemency for Almon Braswell

Mr. Coffey has no records which are responsive to this request.

4. All records created or received in 1999, 2000 or 2001 relating to any investigation of Almon Braswell by any federal law enforcement agency or organization.

Mr. Coffey has in his possession a copy of a petition which has been filed under seal in a United States District Court. We do not believe we are permitted to disclose this sealed petition in the absence of a court order authorizing disclosure.

Please be assured Mr. Coffey desires to cooperate with your committee and will continue his good faith efforts to resolve the privilege issues referred to above.

Very truly yours,

SALE & KUEHNE, P.A.

Jon a Sale

JON A. SALE

JAS:el

DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

March 2, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter, dated February 22, 2001, on behalf of the Committee on Government Reform, requesting information concerning EPASS and WAVES (Worker and Visitor Entrance System) records for Hugh Rodham, Kendall Coffey, Roger Clinton and Horacio Vignali, for the period November 1, 2000, through January 20, 2001.

It should be noted that the U.S. Secret Service began recording visitor entrances and exits (Access Control/EPASS Records) in the Access Control System beginning in June of 1995. Prior to June of 1995, the Access Control/EPASS Records only reflected pass holder entrances and exits into the White House Complex. It is important to note that Access Control/EPASS Records merely reflect monthly-computerized entry and exit logs for the White House Complex, listed by name only. Consequently, the records searched cannot differentiate between individuals with the same name. Specific identifying information for each visitor is maintained in the WAVES system of records. The Secret Service maintains the WAVES data throughout a given month on the Secret Service Tandem computer. The Secret Service then turns over the monthly WAVES data, in CD ROM form, to the White House Office of Records Management during the next month, and subsequently purges the data from its computer.

As noted in the Secret Service's February 20, 2001, correspondence to the Committee regarding similar EPASS/WAVES materials, the Secret Service had already transferred the January, 2001, WAVES data for the Clinton Administration to the White House Office of Records Management. However, the Secret Service had not yet purged this data from the Secret Service mainframe. As we indicated earlier to the Committee, the release of WAVES data can be acquired from the relevant Administration by contacting the National Archives and Records Administration.

A search of the Secret Service Access Control/EPASS Records has revealed that there are no records indicating entry or exit to the White House Complex for Hugh Rodham, Kendell Coffey, Roger Clinton or Horatio Vignali during the specified time period.

Thank you again for your inquiry. If I can of further assistance to you in this matter, please do not hesitate to contact me at (202) 406-5676.

Sincerely,

Paul D. Irving
Deputy Assistant Director

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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PROFESSIONAL ASSOCIATION
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350 EAST LAS OLAS BLVD.
FORT LAUDERDALE, FLORIDA 33301-2229
954-524-1114

REPLY TO:

March 7, 2001

VIA MAIL AND FAX (202-225-5127)

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2167 Rayburn House Office Bldg.
Washington, D.C. 20515-6143

Re: Kendall Coffey
Voluntary Compliance With Request For Documents

Dear Mr. Chairman:

This letter constitutes Kendall Coffey's voluntary response to the Committee's February 16, 2001 letter requesting the production of documents pertaining to the Almon Glenn Braswell pardon. Mr. Coffey is pleased to have been given this opportunity to assist your Committee in this matter.

Mr. Coffey has reviewed his files and records in order to provide the Committee with the requested documents. Mr. Coffey appreciates the Committee's authorization of a six-day extension of time provided to him. He is now in a position to submit this response. During that extension period, Mr. Coffey and I were able to evaluate privilege issues pertaining to these documents. We are pleased to inform the Committee that no documents have been withheld on the basis of the attorney-client privilege, consistent with our efforts and those of Mr. Braswell's counsel to assist this Committee in discharging its responsibilities. Accordingly, the following documents respond to the Committee's requests.

1. **All billing records reflecting work relating to efforts to obtain an Executive Grant of Clemency for Almon Braswell.**

   The following document is responsive to this request.

Bates No. 1 - 2	Kendall Coffey, P.A. Statement for Professional Services Rendered, dated February 4, 2001, to A. Glenn Braswell. This document reflects Mr. Coffey's expenditure of 32 hours of professional services at a billing rate of $350.00 per hour, for a total invoice of $11,200.00.

   While not technically a billing record, the following document is provided consistent with the spirit of cooperation with the Committee.

Bates No. 3	A handwritten note from Kendall Coffey to Hugh Rodham, dated January 12, 2001, conveying the client's proposal for engaging Hugh Rodham for legal services in connection with the pardon submission.

2. **All records provided to any government office relating to an Executive Grant of Clemency to Almon Braswell.**

Bates No. 4 - 7	Kendall Coffey correspondence to President William J. Clinton, dated January 17, 2001, supporting the pardon application of A. Glenn Braswell, including an accompanying fax cover sheet to Hugh Rodham.

Bates No. 8 - 29	Petition for Pardon After Completion of Sentence, dated January 12, 2001, executed by A. Glenn Braswell. Mr. Coffey does not have confirmation whether this document was received by a government office.
Bates No. 30 - 51	Preliminary draft of Petition for Pardon After Completion of Sentence, undated and unsigned. This document accompanied the document identified in Bates No. 3 described in ¶ 1. Mr. Coffey does not have confirmation whether this document was received by a government office.

3. **All records relating to contacts with any government official relating to an Executive Grant of Clemency for Almon Braswell.**

   As set out in my March 1, 2001 letter to you, Mr. Coffey has no records which are responsive to this request.

4. **All records created or received in 1999, 2000, or 2001 relating to any investigation of Almon Braswell by any federal law enforcement agency or organization.**

   As set out in my March 1, 2001 letter to you, Mr. Coffey is in possession of documents filed under seal in a United States District Court. In the absence of a court order authorizing disclosure, Mr. Coffey is not permitted to disclose sealed documents.

Please let me know if you require any further information.

Respectfully submitted,

SALE & KUEHNE, P.A.

JON A. SALE

JAS/rd
Enclosures
cc: Kendall Coffey, Esq.
S:\Firm\Coffey #974\Burton ltr.3-7-01.wpd

03/08/01 19:21 FAX
03/07/2001 17:19 FAX 202 414 9299 REED SMITH LLP 001/001

ReedSmith LLP

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

March 7, 2001

Via First Class Mail
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Pardon Investigation

Dear Mr. Chairman:

Provided herewith are certain records responsive to the Committee's request related to Mr. Rodham's request for Executive Clemency for A. Glenn Braswell.

Counsel for Mr. Vignali has asked that I not provide records related to Mr. Rodham's request concerning Mr. Vignali because they are protected by the attorney-client privilege and his client has asked that I keep them confidential pursuant to the District of Columbia Rule of Professional Responsibility 1.6.

If I can be of further assistance, please do not hesitate to call me.

Sincerely,

Nancy Luque

Nancy Luque

cc: Honorable Henry Waxman (via facsimile)
Ranking Minority Member

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DAN BURTON, INDIANA,
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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 8, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee the following records:

1. All records relating to the consideration of Executive Grants of Clemency for the following individuals:

   a. Benjamin Berger;
   b. Almon Glenn Braswell;
   c. Jacob Elbaum;
   d. Robert Clinton Fain;
   e. David Goldstein;
   f. Edgar Allen Gregory;
   g. Vonna Jo Gregory;
   h. Garland Lincecum;
   i. Eugene Lum;
   j. Nora Lum;
   k. James Lowell Manning;
   l. Joe McKernan;
   m. Kalmen Stern;
   n. Carlos Vignali;

o. Thomas Waddell III;
p. Harvey Weinig;
q. Mitchell Couey Wood;
r. Phillip Young;

2. All records relating to any requests for clemency made by Hugh Rodham or Roger Clinton on behalf of any individual;

3. All charts prepared for President Clinton between November 2000 and January 20, 2001, reflecting names of individuals being considered for Executive Grants of Clemency;

4. All Worker and Visitor Entry System (a.k.a. "WAVES") records for the following individuals between November 1, 2000, and January 20, 2001:

   a. Hugh Rodham;
   b. Tony Rodham;
   c. Roger Clinton;
   d. Horatio Vignali;

5. All Ushers' Logs for the White House residence for January 1, 2001, through January 20, 2001.

Please produce the requested items by the close of business on March 22, 2001. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 8, 2001

Avner Azulay
Director
The Marc Rich Foundation
Asia House, 4 Weizman Street
Tel Aviv 64239
Israel

Dear Mr. Azulay:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Government Reform is conducting an inquiry into several grants of executive clemency made by then-President Clinton shortly before he left office. In particular, we are looking into the pardons of Mr. Marc Rich and Mr. Pincus Green. I am writing to request that you participate in an interview with Committee staff regarding this matter.

The Committee held two hearings on this matter and has spoken to many of the attorneys who assisted in obtaining a pardon for Mr. Rich. As you may be aware, other key individuals in the investigation have invoked their Fifth Amendment rights under the United States Constitution. The Committee would like to interview you regarding your knowledge of the circumstances leading up to the pardons granted to Messrs. Rich and Green.

As the Committee is attempting to complete its investigation of the Rich pardon in as timely a manner as possible, we would like to conduct this interview during the week of March 12, 2001. We are also prepared to conduct the interview at a location convenient for you. Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 to arrange a mutually acceptable time for the interview. Thank you for your cooperation with this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
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JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 8, 2001

His Excellency
Ehud Barak
c/o Israel Labour Party
110 Ha'yarkon Street
Tel Aviv 61032
Israel

Dear Mr. Barak:

The Committee on Government Reform, the primary oversight committee of the United States House of Representatives, is conducting an inquiry into certain grants of executive clemency made by former President Clinton. In particular, we are looking into the pardons of Marc Rich and Pincus Green. With the Committee's needs in mind, we respectfully request your assistance in this inquiry.

As you may be aware from extensive media reports on this issue, former President Clinton has indicated that he spoke to you three to four times regarding the pardon of Mr. Rich and that those conversations were one of the major factors in his decision to grant Mr. Rich a pardon. In addition, former White House Chief of Staff John Podesta, former Counsel to the President Beth Nolan, and former Assistant to the President and Deputy Counsel Bruce Lindsey testified before the Committee on this matter. They indicated that President Clinton told them that you raised the Marc Rich case with him and advocated a pardon on three or four occasions. However, your office indicated in a statement to *The Jerusalem Post* that "[t]he Prime Minister made one call and the matter was only raised at the end of the phone call, where Barak stressed Marc Rich's contribution to Israeli society."

The Committee is seeking to clarify several matters, including the number of times you raised the Rich matter with former President Clinton. We respectfully request that you respond to the following questions that have been raised in the course of our investigation:

- How many times did you discuss Marc Rich or the prospect of an executive grant of clemency to Mr. Rich with President Clinton?

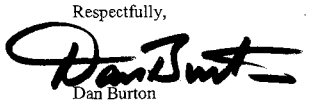
- When did such a discussion or discussions occur?

- What did you say to President Clinton regarding Marc Rich?

- Did anyone ask that you raise the prospect of a grant of executive clemency for Mr. Rich with President Clinton? If so, who?

Your responses to these questions would be invaluable to the Committee's investigation. We would sincerely appreciate any assistance you are able to provide. Please do not hesitate to contact me at (202) 225-2276 or have your staff contact Committee Chief Counsel James C. Wilson at (202) 225-5074. On behalf of the Committee, please allow me to extend my gratitude for your cooperation in this matter.

Respectfully,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 9, 2001

Edward A. Rucker, Esq.
1717 4th Street
Santa Monica, California 90401-3301

Re: Request for Information Regarding Presidential Pardon

Dear Mr. Rucker:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton. Therefore, I am directing a number of questions to be answered by both of your clients Horacio and Carlos Vignali:

1. List all persons known to you who performed any service in support of Carlos Vignali's application for a federal grant of executive clemency, from 1994 through 2001.

2. Were any such persons compensated or did they receive anything of value for performing those services? If so, how much did they receive and from whom did they receive it?

3. Who in the Clinton Administration did you or anyone acting on Carlos Vignali's behalf contact regarding your application for a federal grant of executive clemency, from 1994 through 2001? Describe the time and substance of any such contacts.

4. Are you aware of anyone retaining counsel on Carlos Vignali's behalf with respect to his application for a federal grant of executive clemency? If so, who was retained; when was he retained; and who retained him?

5. Please describe the role, if any, of Hugh Rodham in the clemency request of Carlos Vignali.

6. Please describe the role, if any, of Roger Clinton in the clemency request of Carlos Vignali.

In addition to the foregoing, please produce the following records to the Committee:

1. All records from 1994 to the present relating to efforts to obtain a federal executive grant of clemency for Carlos Vignali;

2. All records from 1994 to the present provided on Carlos Vignali's behalf to any government office relating to a federal executive grant of clemency;

3. All records from 1994 to the present relating to contacts with any federal government official concerning a federal executive grant of clemency for Carlos Vignali;

4. All records relating to payments made to any individual working on the clemency request for Carlos Vignali;

5. All records relating to Hugh Rodham; and

6. All records relating to Roger Clinton.

Please answer the questions set forth above and produce the requested items by the close of business on March 16, 2001. Your compliance with this request may eliminate the need for the Committee to issue a subpoena for these materials. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 9, 2001

The Honorable Anne M. Veneman
Secretary of Agriculture
United States Department of Agriculture
14th & Independence Ave., SW
Washington, DC 20250

Dear Secretary Veneman:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by former President Clinton, including the pardons of Marc Rich and Pincus Green. The Committee hereby requests that you produce all records relating to Marc Rich or Pincus Green in the possession of the Department of Agriculture, including but not limited to those held by the Foreign Agricultural Service, the Farm Service Agency, the Office of General Counsel, and the Office of Inspector General.

Please produce the requested records by close of business on March 16, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

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INDEPENDENT

March 9, 2001

Cheryl D. Mills
Senior Vice President of Corporate Policy
and Programming
Oxygen Media
75 9th Avenue
New York, NY 10011

Dear Ms. Mills:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Government Reform is conducting an inquiry into several grants of executive clemency made by then-President Clinton shortly before he left office. I am writing to request that you participate in an interview with Committee staff regarding this matter.

During a hearing held last week, several witnesses testified that you participated in a meeting with the President where the pardons of Mr. Marc Rich and Mr. Pincus Green were discussed. In addition, Mr. Rich's counsel Jack Quinn indicated that he spoke to you regarding the Rich matter. The Committee would like to interview you regarding your knowledge of the Rich and Green pardons.

As the Committee is attempting to complete its investigation of the Rich pardon in as timely a manner as possible, we would like to conduct this interview during the week of March 12, 2001. We are also prepared to conduct the interview at a location convenient for you. Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 to arrange a mutually acceptable time for the interview. Your cooperation may eliminate the necessity of your appearance at a hearing.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 9, 2001

Edward A. Rucker, Esq.
1717 4th Street
Santa Monica, California 90401-3301

Re: Request for Information Regarding Presidential Pardon

Dear Mr. Rucker:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton. Therefore, I am directing a number of questions to be answered by both of your clients Horacio and Carlos Vignali:

1. List all persons known to you who performed any service in support of Carlos Vignali's application for a federal grant of executive clemency, from 1994 through 2001.

2. Were any such persons compensated or did they receive anything of value for performing those services? If so, how much did they receive and from whom did they receive it?

3. Who in the Clinton Administration did you or anyone acting on Carlos Vignali's behalf contact regarding your application for a federal grant of executive clemency, from 1994 through 2001? Describe the time and substance of any such contacts.

4. Are you aware of anyone retaining counsel on Carlos Vignali's behalf with respect to his application for a federal grant of executive clemency? If so, who was retained; when was he retained; and who retained him?

5. Please describe the role, if any, of Hugh Rodham in the clemency request of Carlos Vignali.

6. Please describe the role, if any, of Roger Clinton in the clemency request of Carlos Vignali.

In addition to the foregoing, please produce the following records to the Committee:

1. All records from 1994 to the present relating to efforts to obtain a federal executive grant of clemency for Carlos Vignali;

2. All records from 1994 to the present provided on Carlos Vignali's behalf to any government office relating to a federal executive grant of clemency;

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4. All records relating to payments made to any individual working on the clemency request for Carlos Vignali;

5. All records relating to Hugh Rodham; and

6. All records relating to Roger Clinton.

Please answer the questions set forth above and produce the requested items by the close of business on March 16, 2001. Your compliance with this request may eliminate the need for the Committee to issue a subpoena for these materials. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 12, 2001

Faith Burton
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Faith:

As part of the Committee's continuing efforts to cooperate with the Justice Department's review of matters relating to the pardons of Marc Rich and Pincus Green, I am enclosing a copy of Jack Quinn's February 27, 2001, written response to Chairman Burton's questions. Please let me know if the Committee can provide further assistance.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 13, 2001

Glenn C. Lewis, Esq.
805 15th Street, N.W. Suite 200
Washington, DC 20005

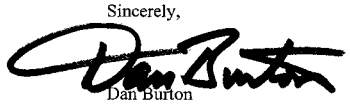
Dear Mr. Lewis:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by former President Clinton. I write to request that your client, Tony Rodham, participate in an interview with Committee staff regarding this matter sometime during the week of March 19, 2001. It is my hope that Mr. Rodham will consent to be interviewed, and that this will obviate the need to require him to testify at a public hearing.

The Committee also hereby requests that Mr. Rodham produce all records relating to any effort to obtain a grant of executive clemency for any individual. This request includes, but is not limited to, records relating to Mr. Rodham's involvement in obtaining pardons for Edgar and Vonna Jo Gregory.

Please produce the requested records by close of business on March 19, 2001. If you have any questions about these requests, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 13, 2001

Roger Clinton
c/o Victoria Crawford
Crawford Management
108 South Frontage Road, Suite 306
Vail, Colorado 81657

Dear Mr. Clinton:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. As you know, on February 22, 2001, I sent you a letter requesting answers to certain questions and the production of records relating to your work on various pardons. You have not responded to that request.

I am requesting the United States Marshals Service to serve a subpoena on you requiring the production of records relating to your work on certain pardons. It is my hope that you will respond in a timely fashion to the Committee's subpoena.

I also request that you meet with Committee staff for an interview no later than the week of March 19, 2001. Your participation in an interview with Committee staff may obviate the need for the Committee to issue a subpoena for you to testify before a public hearing of the Committee.

To arrange your interview with Committee staff, please contact James C. Wilson, the Committee's Chief Counsel, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 13, 2001

Nancy Luque, Esq.
Reed Smith LLP
1301 K Street, N.W.
Suite 1100 – East Tower
Washington, D.C. 20005

Dear Ms. Luque:

As you know, the Committee on Government Reform is investigating certain pardons issued by President Clinton, including the pardons of Glenn Braswell and Carlos Vignali. On March 12, 2001, my Chief Counsel made a verbal request to interview Hugh Rodham. Following this verbal request, I ask that your client, Hugh Rodham, participate in an interview with Committee staff during the week of March 19, 2001. Mr. Rodham's participation in an interview with Committee staff may obviate the need to subpoena Mr. Rodham to testify before the Committee in a public hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 to arrange Mr. Rodham's interview.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 14, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please provide the Committee with the following records:

1. All records relating to the consideration of Executive Grants of Clemency for the following individuals:

   a. Benjamin Berger;
   b. Almon Glenn Braswell;
   c. Jacob Elbaum;
   d. Robert Clinton Fain;
   e. David Goldstein;
   f. Edgar Allen Gregory;
   g. Vonna Jo Gregory;
   h. Garland Lincecum;
   i. Eugene Lum;
   j. Nora Lum;
   k. James Lowell Manning;
   l. Joe McKernan;
   m. Kalmen Stern;
   n. Carlos Vignali;
   o. Thomas Waddell III;

p. Harvey Weinig;
q. Mitchell Couey Wood;
r. Phillip Young;

2. All records relating to any criminal investigation of Roger Clinton's involvement in the pardon request of Phillip Young;

3. All records relating to any criminal investigation relating to the relationship between Roger Clinton, Arkansas lawyer Larry Wallace, and Birmingham, Alabama, businessman John Katopodis; and

4. All records from October 2000 through January 20, 2001, relating to any requests for grants of clemency for which the White House requested priority review by the Justice Department.

Please provide the requested records by March 21, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074. Thank you for your cooperation with this request.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 14, 2001

The Honorable Sharon Priest
Arkansas Secretary of State
State Capitol, Room 256
Little Rock, AR 72201

Dear Secretary Priest:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations sought from former President Clinton. I hereby request that your office produce to the Committee all records relating to CLM, L.L.C.

Please produce the requested records by close of business on March 16, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 14, 2001

George E. Locke
120 Catalina Circle, Apt. 5D
Hot Springs, AR 71913

Dear Mr. Locke:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain pardons and commutations from former President Clinton. I write to request that you participate in an interview with Committee staff regarding this matter during the week of March 26, 2001. Your participation in an interview with Committee staff may eliminate the need to subpoena you to testify at a public hearing.

The Committee also hereby requests that you produce the following records:

1. All records relating to any offer to obtain a grant of executive clemency for any individual. This request includes, but is not limited to, all records relating to your involvement in offering to obtain a pardon for Garland H. Lincecum.

2. All records relating to Roger Clinton's involvement with CLM, L.L.C., including but not limited to records of compensation or payment to Roger Clinton from CLM, L.L.C.

Please produce the requested records by close of business on March 26, 2001. If you have any questions about these requests, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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Wm. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 14, 2001

Dickey Morton
717 Pine Manor Drive
Hamburg, AR 71646

Dear Mr. Morton:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain pardons and commutations from former President Clinton. I write to request that you participate in an interview with Committee staff regarding this matter during the week of March 26, 2001. Your participation in an interview with Committee staff may eliminate the need to subpoena you to testify at a public hearing.

The Committee also hereby requests that you produce the following records:

1. All records relating to any offer to obtain a grant of executive clemency for any individual. This request includes, but is not limited to, all records relating to your involvement in offering to obtain a pardon for Garland H. Lincecum.

2. All records relating to Roger Clinton's involvement with CLM, L.L.C., including but not limited to records of compensation or payment to Roger Clinton from CLM, L.L.C.

Please produce the requested records by close of business on March 26, 2001. If you have any questions about these requests, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

United States Department of Agriculture
Office of the General Counsel
Washington, D.C. 20250-1400

March 14, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This will respond to your letter to Secretary of Agriculture Ann M. Veneman dated March 9, 2001, stating that the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by former President William J. Clinton, and requesting that the Department of Agriculture (USDA) produce copies of all records in its possession relating to Mr. Marc Rich or Mr. Pincus Green. You requested that such records be produced by the close of business on Friday, March 16, 2001.

While your letter correctly identified the principal USDA offices and agencies in which any such records are likely to exist, we will conduct a search for responsive records held anywhere within the Department. At the Secretary's request, this Office will coordinate the search for and production of responsive records. Leonard R. Kreitzberg, Deputy Assistant General Counsel, International Affairs and Commodity Programs Division, will coordinate the search and production for USDA. Mr. Kreitzberg may be reached at (202) 720-3095.

As you know, more than ten years have passed since the matters involving Messrs. Rich and Green were pending before USDA, and most of the records involved will likely have to be retrieved from a Federal Records Center. Consequently, there is no possibility that we will be able to produce the responsive records by March 16, 2001, as your letter requested. As our search and retrieval of these records progresses, Mr. Kreitzberg will contact your Committee's Chief Counsel to discuss further the timing of USDA's production of these records. Please let me know if we can be of further assistance with respect to this matter.

Sincerely,

James Michael Kelly
Acting General Counsel

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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EDWARD A. RUCKER
ATTORNEY AT LAW
1717 FOURTH STREET, THIRD FLOOR
SANTA MONICA, CALIFORNIA 90401
TELEPHONE (310) 576-6242
FAX (310) 576-6247

March 15, 2001

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Presidential Pardon Investigation

Dear Mr. Chairman:

I am writing in response to your letter, dated March 9, 2001, to my clients Horacio and Carlos Vignali. My clients appreciate the opportunity to respond to your questions in this matter. However, I feel it would be inadvisable for my clients to produce any documents at this time, in light of my reading of news accounts of the expanded jurisdiction of the United States Attorney for the Southern District of New York to investigate all pardons and commutations granted by President Clinton during his final days in office. Accordingly, we respectfully decline your invitation.

Very truly yours,

Edward A. Rucker

EAR:sis
Cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 15, 2001

The Honorable Dan Burton
Chairman
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

I am writing to inquire about the status of the Committee's investigation of the Marc Rich pardon and other pardons by President Clinton.

As I'm sure you know, several Republican leaders have indicated publicly that the congressional investigations are drawing to a close. In an interview broadcast on CNN on March 10, House Speaker Dennis Hastert discussed the pardons investigation, stating, "I think, probably from my point of view, about all that information (that) is going to come out, has come out," and "I think this is kind of winding down on its own." With respect to the congressional pardon probes, Senate Majority Leader Trent Lott also stated last week, "I'd be inclined to move on." Similarly, the *Associated Press* last week quoted "a high-ranking Republican aide," who stated, "There is a collective sense that the [Government Reform Committee] has gone about as far as it can."

Despite these comments, your investigation now appears to be escalating and moving beyond the Marc Rich matter to other pardons President Clinton issued. To date, as part of the Committee's pardons investigation, you have issued 56 letters requesting documents and information regarding 229 people. These include numerous requests in the past few days. On March 8 and 9, for example, you requested information from former Isreali Prime Minister Ehud Barak, issued a broad request to the National Archives for records relating to 22 individuals, and requested interviews with two other individuals. You have also issued three subpoenas since the Committee's March 1 hearing, including subpoenas for the phone records of Denise Rich, Beth Dozoretz, and Ron Dozoretz. And yesterday my staff received notice that you intend to subpoena records from Roger Clinton.

Moreover, Committee staff conducted an interview on Monday regarding the pardons matter, on Tuesday you requested interviews with Tony Rodham, Hugh Rodham, and Roger Clinton, and several other interviews are scheduled for next week. The Committee has also received over 6,500 pages of documents to date in response to its requests, with many additional documents due.

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HOUSE COMMITTEE ON
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The Committee's investigation appears to involve a broad range of Clinton pardons. For example, in addition to the Marc Rich pardon, the Committee is seeking information relating to the clemency decisions concerning Almon Braswell, Carlos Vignali, Harvey Weinig, Edgar Gregory, and Vonna Jo Gregory. In addition, the Committee is seeking information regarding consideration of clemency for Eugene Lum, Nora Lum, and individuals for whom Roger Clinton may have advocated, among many others.

Given the statements Speaker Hastert made about "winding down" the House investigation, I am sure you can understand why your new round of information requests and subpoenas is creating confusion. It would be most helpful to know whether the Speaker's comments were accurate or whether you are planning to devote significant additional resources to investigating pardons and other clemency decisions.

If the investigation is going to continue, I believe it would be sensible for our Committee to adopt a suggestion proposed in a March 12 *USA Today* editorial. Since the U.S. Attorney's office in New York is now conducting a criminal investigation into all of the pardons and other clemency orders President Clinton issued, it would be unnecessary and a waste of taxpayer dollars for our Committee to duplicate that work.

A better course, as *USA Today* suggested, would be to leave the criminal investigation to the U.S. Attorney's office and focus our Committee on a broad examination of how the pardon system has worked in different administrations. To do this fairly and comprehensively, we would need to scrutinize questionable pardons issued in the past, including former President Bush's pardons of Armand Hammer, Caspar Weinberger, and Aslam Adam, as well as the role played by Florida Governor Jeb Bush in successfully lobbying for Orlando Bosch's release from jail by the former Bush Administration.

This approach has the benefit of being even-handed and nonpartisan in scope, avoiding duplication with the U.S. Attorney's office, and providing an opportunity for valuable insights and possible improvements into the pardon process.

I am including the *USA Today* editorial for your convenience, and look forward to learning your thoughts on how you intend to proceed with the investigation.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the House Committee on Government Reform

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Narrow pardon probe ignores needed reforms

Our view:
Clinton wasn't the first president to exploit loopholes in the process.

After four congressional hearings, testimony by 20 witnesses and a torrent of disclosures from internal White House e-mails, Congress' probe of President Clinton's pardons is drawing to a close with a shrug: "I think this is kind of winding down on its own," House Speaker Dennis Hastert, R-Ill., said in a CNN interview Saturday.

The brusque ending comes with no clear findings of what's wrong with the pardon system and few proposals on how to fix it: an unsatisfying finish to an unsavory meal.

The much-watched House Government Reform Committee hearings served up more evidence of Clinton's lack of standards in bestowing undeserved mercy on well-connected felons and fugitives. Yet, the committee run by Rep. Dan Burton, R-Ind., refused to look deeper, for instance, into questionable pardons of past presidents, including Ronald Reagan and George Bush, that might provide insight into the system.

As for potential criminality, U.S. Attorney Mary Jo White of New York already is investigating the most troubling pardons and is best equipped to ferret out wrongdoing.

Left unresolved, though, are several troubling issues in the pardon process:

▸ **Secrecy.** In 1934, the Justice Department stopped providing annual reports of even the most basic pardon information, such as the names and offenses of those pardoned. And unlike other federal lobbyists, pardon lobbyists, whether influential lawyers or presidential relatives, aren't required to register publicly. The lack of transparency allows influence peddling and obscures information that could reveal problems.

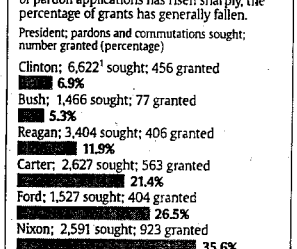
▸ **Disorder.** Former president Bush granted a flurry of pardons, several controversial, in his final days in office. And Clinton broke all modern records by granting 140 pardons in his final chaotic hours – too late to fear any electoral price. Such last-minute actions hamper voter scrutiny.

▸ **Diffuse authority.** The Justice Department's authority to recommend for or against pardons once rested with the attorney general, a figure sensitive to public scrutiny, but has been moved to his top deputy. And presidents are free to grant pardons outside the Justice Department process, as Clinton did on a grand scale. The lack of a high-profile gatekeeper leaves the system vulnerable to abuse.

Pardon pleas rise

Presidents have used their powers to grant pardons and commute sentences in vastly different ways, but it appears that as the number of pardon applications has risen sharply, the percentage of grants has generally fallen.

President; pardons and commutations sought; number granted (percentage)



1 - Total sought is through Dec. 4, 2000.
Source: U.S. Justice Department

By Keith Simmons, USA TODAY

Congress can't do much about this. Under the Constitution, the president's pardon power is absolute, and as a fail-safe in the criminal justice system, it should remain so. Short of an ill-advised constitutional amendment, there is no way to guarantee against a repeat of the Clinton pardon fiasco.

But Congress and future presidents could go a long way toward improving the process. Opening the system with public reporting would be a beneficial step toward scuttling unjustifiable pardons, such as Marc Rich's. So, too, would reporting requirements for pardon lobbyists, as called for by Sen. Arlen Specter, R-Pa. Disclosure might dissuade a president's brother-in-law from accepting $400,000 to seek pardons for a convicted drug smuggler and a convicted swindler.

President Bush could also vest the power to review pardon applications in the attorney general, make clear they must undergo Justice Department review and promise not to grant any pardons in the final six months of his term.

It would be easy to churn more political theater from Clinton's unpardonable misuse of his power – or to simply move on. Better for the country, though, to turn it into achievable change.

EDWARD A. RUCKER
ATTORNEY AT LAW
1717 FOURTH STREET, THIRD FLOOR
SANTA MONICA, CALIFORNIA 90401
TELEPHONE (310) 576-6242
FAX (310) 576-6247

March 15, 2001

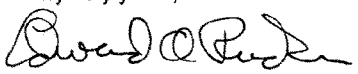
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Presidential Pardon Investigation

Dear Mr. Chairman:

I am writing in response to your letter, dated March 9, 2001, to my clients Horacio and Carlos Vignali. My clients appreciate the opportunity to respond to your questions in this matter. However, I feel it would be inadvisable for my clients to produce any documents at this time, in light of my reading of news accounts of the expanded jurisdiction of the United States Attorney for the Southern District of New York to investigate all pardons and commutations granted by President Clinton during his final days in office. Accordingly, we respectfully decline your invitation.

Very truly yours,



Edward A. Rucker

EAR:sis
Cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 16, 2001

VIA FACSIMILE (202) 986-0014 AND FIRST CLASS MAIL

David Dreyer
TSD, Inc.
1714 Connecticut Ave., N.W.
Washington, D.C. 20009

Dear Mr. Dreyer:

Pursuant to its authority under Rules X and XI of Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. In connection with that investigation, the Committee has received reports that you were involved in seeking clemency for Harvey Weinig from President Clinton. Therefore, I request that you participate in an interview with Committee staff regarding this matter during the week of March 26, 2001. Your participation in an interview with Committee staff might eliminate the need to subpoena you to testify at a public hearing.

The Committee also hereby requests that you produce any and all records concerning work done relating to efforts to obtain a federal executive grant of clemency for Mr. Weinig. This request includes, but is not limited to, all records relating to your involvement in offering to obtain, and in actually attempting to obtain, a grant of clemency for Mr. Weinig.

Please produce the requested records by close of business on March 26, 2001. If you have any questions about these requests, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 16, 2001

VIA FACSIMILE (202) 429-3902 AND FIRST CLASS MAIL

Reid H. Weingarten, Esq.
Steptoe & Johnson, L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Weingarten:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. In connection with that investigation, the Committee has received reports that you or your law firm were involved in seeking clemency on behalf of Harvey Weinig from President Clinton. Therefore, I request that you answer the following questions:

1. List all persons known to you who performed any service in support of Harvey Weinig's application for a federal grant of executive clemency, from 1996 through 2001.

2. Were any such persons compensated or did they receive anything of value for performing those services? If so, what did they receive and from whom did they receive it?

3. Who in the Justice Department did you or anyone acting on behalf of Harvey Weinig contact regarding Mr. Weinig's application for a federal grant of executive clemency, from 1996 through 2001? Describe the time and substance of any such contacts.

4. Who in the White House did you or anyone acting on behalf of Harvey Weinig contact regarding Mr. Weinig's application for a federal grant of executive clemency, from 1996 through 2001? Describe the time and substance of any such contacts.

In addition to the foregoing, please produce the following records to the Committee:

1. All records from 1996 to the present concerning work relating to efforts to obtain on Mr. Weinig's behalf a federal executive grant of clemency;

2. All records from 1996 to the present provided to any government office relating to a federal executive grant of clemency for Mr. Weinig;

3. All records from 1996 to the present relating to contacts with any federal government official concerning federal executive grant of clemency on Mr. Weinig's behalf; and

4. All billing records reflecting work relating to efforts to obtain a federal executive grant of clemency for Mr. Weinig.

Please answer the questions set forth above and produce the requested items by the close of business on March 26, 2001. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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INDEPENDENT

March 16, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations sought from former President Clinton. This letter is to confirm our conversation yesterday regarding the subpoena issued to your client, First National Bank of Crossett, in connection with that investigation. The subpoena seeks bank records related to CLM, L.L.C.

I was disappointed to hear you suggest that contempt proceedings may be necessary to compel compliance with the subpoena. As I understand it, your primary concern was the cost of searching for the subpoenaed records. My response to you was twofold: (1) the Committee will reimburse the bank for some of the costs; and (2) the staff has already narrowed the scope of the documents to be produced.

First, the Committee will reimburse the bank at a rate of $0.25 per page plus actual shipping costs for documents produced to the Committee pursuant to the subpoena. This accommodation is the maximum amount that has been paid to banks complying with Committee subpoenas in the past and is offered to your client in this case as a matter of comity. However, the Committee is not legally obligated to reimburse the bank for any compliance costs. Accordingly, your request that the bank also be reimbursed for labor costs associated with searching for subpoenaed records will not be granted. Nevertheless, the bank remains legally obligated to comply with the subpoena.

Second, as we discussed, the scope of documents to be produced should initially be limited to the bank statements for the numbered account listed in the subpoena. After staff have reviewed the statements, we will work with you and bank personnel to identify additional documents related to specific transactions to be produced at a later date. This

accommodation should significantly reduce the burden to the bank of complying with the Committee's subpoena.

It is my hope that these considerations will alleviate your concerns and promote your client's willingness to comply with the subpoena. Therefore, I expect that your client will honor its legal obligation and provide the bank statements by the March 22, 2001, deadline. In the event that your client refuses to comply, we are prepared to take appropriate action to enforce the subpoena. If you have any questions about this matter, please contact me or the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Jason A. Foster
Counsel

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WENDY H. SCHWARTZ, DC, MD, VA, (INACTIVE)
BARBARA E. SOSNICK, DC, MD
DAVID H. SPRATT, DC & VA
MARCIA K. THOMPSON, VA

March 19, 2001

VIA FACSIMILE: (202) 225-3974

The Honorable Dan Burton
Chairman
House Committee on Government Reform
Room 2157 Rayburn House Office Building
Washington, D.C.

Dear Chairman Burton:

I am writing to acknowledge receipt of your letter dated March 13, 2001, in which members of the House Committee on Government Reform requested certain documents and an interview with my client, Tony Rodham.

As you may know, your staff contacted my office last week while I was in trial, in Colorado. Based on communications with my staff, I understood that you would not move forward with any activities involving Mr. Rodham prior to my return, which had originally been scheduled for tomorrow. I have returned early to Washington, in part, to be able to at least acknowledge your letter prior to the date you requested a substantive response.

Obviously, we will need some additional time to afford an opportunity to consider the Committee's letter. Further, this additional time is needed to permit us to complete recent activities regarding the possible involvement of other, or additional, counsel.

Mr. Rodham wishes to cooperate with the Committee; we appreciate your courtesy in allowing for sufficient, additional time to address the issues and questions raised in your letter.

Sincerely,

THE LEWIS LAW FIRM, P.C.
A Professional Corporation

Glenn C. Lewis

GCL/cad
cc: Mr. Anthony Rodham

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 20, 2001

A. Glenn Braswell
150 Ocean Drive
Miami Beach, Florida 33139

Dear Mr. Braswell:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain grants of clemency by former President Clinton. As part of that investigation, the Committee has been reviewing the circumstances surrounding your pardon. Accordingly, I request that you participate in an interview with Committee staff. Your participation in an interview with Committee staff would greatly assist the Committee in its investigation.

We would like to conduct the interview during the week of March 26. Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074, to schedule the interview.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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INDEPENDENT

March 20, 2001

The Honorable George J. Tenet
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Tenet:

I wrote to you on February 12, 2001, to request that your agency declassify certain information. The information was provided to the Committee staff in a briefing on February 6, 2001. In a letter dated February 15, 2001, the CIA Director of Congressional Affairs indicated that your agency was unable to declassify the information in any meaningful manner, due to the sensitivity of the sources. Although I share your concerns for national security, I nevertheless would like to discuss the matter with you.

I will be contacting you to discuss this information in further detail. Thank you for your assistance in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 20, 2001

Edgar A. Gregory
Vonna Jo Gregory
522 Franklin Road
Brentwood, Tennessee 37027

Dear Mr. and Mrs. Gregory:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain grants of clemency by former President Clinton. As part of that investigation, the Committee has been reviewing the circumstances surrounding your pardons. Accordingly, I request that both of you participate in interviews with Committee staff. Your participation in interviews with Committee staff would greatly assist the Committee in its investigation.

We would like to conduct the interviews during the week of March 26. Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074, to schedule the interviews.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

March 20, 2001

VIA FEDERAL EXPRESS

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: CLM, L.L.C. Bank Records and Subpoena

Dear Mr. Foster:

This acknowledges receipt of your March 16, 2001, letter and the subpoena issued by the Committee on Government Reform to First National Bank of Crossett for the above customer.

Bank personnel have completed copying the monthly bank statement pages for the above customer for the period beginning August 17, 1998, the date when the account was opened, and ending September 30, 1999, which was the last month this account was active at the bank. However, the bank has been unable to produce the bank statement for February, 1999. Therefore, we enclose a copy of all items that cleared the account that month. We also enclose a copy of the signature card for this account.

Based on your March 16th letter, I understand that you will designate which checks or items from this account you want copied and furnished to the Committee.

Finally, I understand from our recent telephone conferences and your March 16th letter that the Committee will not reimburse the bank for the time its personnel spent in researching the records to produce the documents you requested. I was shocked to learn from you that the United States Congress has a policy of not reimbursing citizens of this country for their time and expense of producing documents ordered produced by Congressional subpoenas. Likewise, I found it truly ironic that the Committee on *Government Reform* would issue a sweeping subpoena for records of a bank customer and at the time take the position that it will not reimburse the subpoenaed party for the time and expense incurred in furnishing the subpoenaed

documents. This would certainly give every appearance of taking property without due process of law in violation of the Fourteenth Amendment of the United States Constitution, not to mention the due process clause in the Arkansas Constitution. Perhaps, it would be appropriate for the Committee on *Government Reform* to consider badly needed reform of this unfortunate government policy.

I would certainly appreciate it if you would furnish a copy of my letter to the Chairman and members of the Committee on Government Reform.

As you have instructed, we have forwarded a duplicate copy of the enclosures to The Honorable Henry A. Waxman, Ranking Minority Member of the Committee on Government Reform.

We will await your direction with respect to additional documents from the above account.

Very truly yours,

Thomas S. Streetman

TSS/ad

Enclosures

THE RICH FOUNDATION
For Education, Culture & Welfare

Asia House, 4 Weizmann Street
Tel Aviv 64239, Israel
POB 33622, Tel Aviv 61336

Tel + 972 3 695 4424
Fax + 972 3 695 4376
e-mail : richfnd@netvision.net.il

March 15 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
USA House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

I received your letter dated March 8th, 2001 on March 11th requesting an interview during the week of March 12th, 2001. I am unable to comply with this request at this time because I have a long scheduled appointment for a medical evaluation and treatment in Europe. I hope to be back in Israel on April 1rst, 2001.

It may be helpful for you to note that I have retained an attorney in New York, Robert G. Morvillo, Esq., to advise me with respect to all proceedings stemming from the granting of pardons by Ex-President Clinton. Mr. Morvillo is a principal in the firm of Morvillo, Abramowitz, Grand, Iason & Siberberg P.C., located at 565 Fifth Avenue, New York 10017 (Tel 212 880 9400).

I would like to suggest that someone from your staff contact Mr.Morvillo.

Thank you for your anticipated courtesy in this matter.

Very truly yours,

Avner Azulay

Cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 22, 2001

Richard Ben-Veniste, Esq.
Weil, Gotshal & Manges
1615 L Street, N.W., Suite 700
Washington, D.C. 20036

Re: Interview of Terry McAuliffe

Dear Mr. Ben-Veniste:

I wrote to you on February 16, 2001, to ask that you make your client, Terry McAuliffe, available for an interview with Committee staff. Shortly after I sent my letter, you contacted Committee staff to indicate that you were inclined to wait before making Mr. McAuliffe available for an interview, to see if his interview was necessary. I am writing to inform you that based on the Committee's review of materials relating to the William J. Clinton Presidential Foundation, I believe that it is necessary for Committee staff to interview Mr. McAuliffe about his fundraising activities for the Foundation. Mr. McAuliffe's cooperation with the Committee would greatly assist us in concluding our investigation, and may eliminate the need to subpoena Mr. McAuliffe to testify publicly.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 to schedule a time for the interview.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

EDWARD A. RUCKER
ATTORNEY AT LAW
1717 FOURTH STREET, THIRD FLOOR
SANTA MONICA, CALIFORNIA 90401
TELEPHONE (310) 576-6242
FAX (310) 576-6247

March 22, 2001

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Presidential Pardon Investigation

Dear Mr. Chairman:

I am writing in response to your subpoena duces tecum, dated March 21, 2001, to my clients Horacio and Carlos Vignali, asking them to identify and produce certain documents. This is a subpoena with which we would normally readily comply. However, as you are aware, the United States Attorney for the Southern District of New York is reportedly currently investigating all pardons and commutations granted by President Clinton during his final days in office. Carlos Vignali's commutation has been mentioned in the press as among those being investigated. Accordingly, my clients are unable to respond to this subpoena without a grant of document production immunity. As soon as such immunity is granted we will, of course, comply.

Very truly yours,

Edward A. Rucker

EAR:sis
Cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 27, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

I have received the documents you produced on behalf of your client, First National Bank of Crossett ("the Bank"). Thank you for complying in a timely manner. As we discussed, the bank statements you provided form the basis for identifying specific transactions for which the Committee seeks related documents. Accordingly, pursuant to the subpoena issued to the Bank on March 15, 2000, please produce all records relating to the following items as soon as possible and on a rolling basis in necessary:

1. 8/19/98, deposit of $70,000
2. 8/21/98, debit of $4,000 (no check number listed)
3. 8/25/98, debit of $52,000 (no check number listed)
4. 8/26/98, debit of $4,000 (no check number listed)
5. 11/25/98, deposit of $100,000
6. 11/25/98, check #1014 for $20,000
7. 12/01/98, check #1015 for $13,000
8. 12/10/98, check #1016 for $10,000
9. 12/10/98, check #1017 for $5,500
10. 12/10/98, check #1019 for $5,000
11. 12/14/98, check #1020 for $5,100
12. 12/21/98, check #1023 for $8,100
13. 12/22/98, check #1026 for $8,000
14. 12/28/98, check #1029 for $5,000
15. 12/31/98, deposit of $100,000
16. 1/7/99, check #1030 for $10,000
17. 4/1/99, check #1062 for $8,300
18. 6/24/99, deposit of $600
19. 6/29/99, deposit of $635.44
20. 7/6/99, deposit of $5,300

21. 8/5/99, deposit of $8,200

In addition to producing all records related to the above listed items, please answer the following questions:

1. Is account number [redacted] still open?
2. Is account number [redacted] the only account for which the Bank has records indicating ownership by CLM, L.L.C.?
3. Is the signature card provided to the Committee in your first production the only signature card for account number [redacted]

I remind you that the Bank may seek reimbursement for copying costs at a rate of $0.25 per page plus shipping. To date, the Bank has not sought any reimbursement from the Committee. If you have any questions about this matter, please contact me or the Committee's Deputy Counsel, David Kass at (202) 225-5074.

Sincerely,

Jason Foster

Jason A. Foster
Counsel

Harrod Law Office

Shelby Reid Harrod, Jr.
David W. Harrod

101 E. Adams Street
P.O. Box 310
Hamburg, Arkansas 71646

(870) 853-5236
FAX (870) 853-5237

March 22, 2001

Honorable Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Burton:

I am writing in response to your letter of March 14, 2001, on behalf of my client, Dickie Morton. Mr. Morton would be more than happy to cooperate with your committee as requested. To facilitate this, I would request that Mr. Wilson contact me directly. My telephone number is 870-853-5236.

Sincerely,

HARROD LAW OFFICE

S. Reid Harrod Jr.

SRH/lmg

cc: James C. Wilson

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WEIL, GOTSHAL & MANGES LLP
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1615 L STREET, N.W.
WASHINGTON, D.C. 20036-5610
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RICHARD BEN-VENISTE
DIRECT LINE (202) 682-7500

March 23, 2001

James C. Wilson, Esq.
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Request for Staff Interview of Terry McAuliffe

Dear Mr. Wilson:

This will respond to Chairman Burton's letter of March 22, 2001, in which he requests that Terry McAuliffe make himself available for an interview with Committee staff. Chairman Burton references his letter to me of February 16, 2001 and informs me that "based on the Committee's review of materials relating to the William J. Clinton Presidential Foundation, I believe it is necessary for Committee staff to interview Mr. McAuliffe about his fundraising activities for the Foundation."

According to the Chairman's letter to me of February 16, 2001, the focus of the Committee's interest was whether the pardons of Messrs. Rich and Green were made in exchange for political contributions or contributions to President Clinton's Library. In my conversation with David Kass on February 20, 2001, I suggested that after the Committee had the opportunity to review the Foundation's records, it would learn that Mr. McAuliffe did not raise funds from Mrs. Rich, nor was he involved in any way with the Rich or Green pardons.

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In assessing the Chairman's request, it would be helpful to know with some degree of specificity what the Committee believes Mr. McAuliffe can do to provide information relevant to its inquiry, considering he did not raise money from Mrs. Rich and was not involved in the Rich or Green pardons. My efforts to reach you today have been unsuccessful. As I mentioned in my voice message to you, I will be engaged in trial in Houston all next week.

Very truly yours,

Richard Ben-Veniste

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 29, 2001

Gary Stern, Esq.
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Stern:

I am writing with regard to the three document requests issued by Chairman Burton to the National Archives and Records Administration in the course of the Committee's investigation of pardons issued by President Clinton. You have asked the Committee to narrow the range of searches conducted by NARA of e-mail messages potentially responsive to the Committee's requests. You have asked that where possible, the Committee limit its requests with respect to both the office whose e-mail is searched, and the date range to be searched. It my understanding that by limiting the range of e-mail searches, NARA will be able to produce the messages to the Committee more quickly.

For the Committee's January 25, 2001, request, please limit all e-mail searches to the White House Office for the time period January 1, 2000, through January 21, 2001.

For the Committee's February 13, 2001, request, please limit the search for the e-mail messages called for in item 2 to the White House Office for the time period January 1, 2000, through January 21, 2001. The other portions of the Committee's February 13, 2001, request do not require e-mail searches.

For the Committee's March 8, 2001, request, please limit all e-mail searches, except those regarding Executive Grants of Clemency to Edgar Allen Gregory and Vonna Jo Gregory, to the White House Office for the time period August 1, 2000, through January 21, 2001. Please limit all e-mail searches regarding Edgar Allen Gregory and Vonna Jo Gregory to the White House Office for the time period August 1, 1999, through January 21, 2001.

Please produce the responsive e-mail messages as soon as possible. In addition to the e-mail messages, please produce to the Committee the search terms used by NARA in searching for responsive e-mails. If you have any questions about this matter, please contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

cc: Michael Yeager, Minority Senior Oversight Counsel

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CHAIRMAN

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 29, 2001

VIA FACSIMILE (612) 664-5350 AND FIRST CLASS MAIL

Jarold Ray, Chief Probation Officer
U.S. Probation Office, District of Minnesota
300 South Fourth St., Rm. 406
Minneapolis, MN 55415

Dear Mr. Ray:

It was a pleasure speaking with you this afternoon.

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by former President Clinton on January 20, 2001. In connection with that investigation, please provide to the Committee a copy of the pre-sentencing report that was submitted to Judge David Doty in connection with the sentencing of Carlos Vignali.

To facilitate your search, I note that Mr. Vignali's Social Security Number is [redacted] his date of birth is [redacted] and the case is *U.S. v. Carlos Vignali, et al.*, CR 4-93-166(9).

If you have any questions, feel free to contact me at your convenience. Once again, thank you for your assistance.

Sincerely,

Pablo E. Carrillo
Committee Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 30, 2001

Richard Ben-Veniste, Esq.
Weil, Gotshal & Manges
1615 L Street, N.W., Suite 700
Washington, D.C. 20036

Re: Interview of Terry McAuliffe

Dear Mr. Ben-Veniste:

I am writing in response to your letter of March 23, 2001. As you know, the Chairman has twice requested that your client, Terry McAuliffe, make himself available for an interview with Committee staff. After the Chairman's first request, you informed the Committee that you preferred to wait until after the Committee had reviewed records relating to the William J. Clinton Presidential Foundation, because you believed that those records would make an interview with Mr. McAuliffe unnecessary. Now, after the Chairman's second request of March 22, 2001, you have stated that it would "be helpful to know with some degree of specificity what the Committee believes Mr. McAuliffe can do to provide information relevant to its inquiry, considering he did not raise money from Mrs. Rich and was not involved in the Rich or Green pardons." I am happy to provide the information that you request, with the hope that Mr. McAuliffe will now make himself available to the Committee. The Committee is seeking three categories of information from Mr. McAuliffe.

First, we would like to place the Denise Rich contributions to the Clinton Foundation in their proper context. This requires that the Committee understand how significant the Rich contributions were both in their size and timing, in relation to other contributions to the Foundation. To do this, the Committee would like to speak to Mr. McAuliffe, who was one of the primary fundraisers for the Foundation, and who would be in a position to make such an evaluation.

Second, the Committee would like to know if Mr. McAuliffe was aware of any information, suggestion, or rumor indicating that Denise Rich might be willing to give the Foundation more than the $450,000 which she did give.

Third, the Committee is attempting to reconcile reports it has received regarding money offered to the Clinton Foundation with information which has been disclosed to the Committee by the Clinton Foundation. Specifically, the Committee is concerned that the Clinton Foundation does not consider as "pledges," and therefore has not disclosed to the Committee, funds which it otherwise has a reasonable expectation of receiving. As one of the primary fundraisers for the Foundation, Mr. McAuliffe is in a position to help the Committee determine if such a discrepancy exists, and if it does, Mr. McAuliffe may be able to provide the Committee with information regarding funds that the Clinton Foundation has a reasonable expectation of receiving.

As Chairman Burton has indicated, Mr. McAuliffe's cooperation would greatly assist the Committee. His voluntary cooperation with the Committee may also eliminate the need to subpoena him to appear at a public hearing. Please contact me at (202) 225-5074 to arrange a time for an interview.

Sincerely,

James C. Wilson
Chief Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 30, 2001

Natalie P. Vlakancic
Administative Director
The Elie Wiesel Foundation for Humanity
380 Madison Avenue, 20th Floor
New York, NY 10017

Dear Ms. Vlakancic:

On behalf of the Chairman of the Government Reform Committee, Dan Burton, I today contacted the Elie Wiesel Foundation for Humanity in order to request an informal interview with Mr. Wiesel. I was informed by Ms. Schlesinger that the most effective way to do so would be to send a facsimile request.

As part of its investigation into the grants of executive clemency made to Marc Rich and others, the Committee would like to speak with Mr. Wiesel. The Committee is attempting to complete its work in an expeditious manner and would work with Mr. Wiesel to find a mutually convenient time and location. I would appreciate if you would either call me to discuss the Committee's request or provide me with the contact information for the appropriate person with whom to discuss the request. I can be reached at (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Kristi L. Remington
Senior Counsel

GREENBERG
ATTORNEYS AT LAW
TRAURIG

Mark P. Schnapp
(305) 579-0541
schnappm@gtlaw.com

March 29, 2001

James C. Wilson, Esq.
Chief Counsel
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Wilson:

This will confirm that our clients, Edgar and Vonna Jo Gregory are available to be interviewed by you by telephone on Monday, April 2, 2001 at 3:00 p.m. Mr. and Mrs. Gregory are willing to come to Washington to meet with members of the committee or your staff if you so desire.

Sincerely,

Mark P. Schnapp

MPS/cr

cc: Edgar and Vonna Jo Gregory
Howard Vine, Esq.

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INDEPENDENT

April 3, 2001

Howard A. Vine, Esq.
Greenberg Traurig, L.L.P.
800 Connecticut Avenue, N.W., Suite 500
Washington, D.C. 20006

Dear Mr. Vine:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain grants of executive clemency by former President Clinton. In connection with that investigation, the Committee hereby requests that your clients, Edgar and Vonna Jo Gregory ("the Gregorys"), produce the following records:

1. All records relating to any effort to obtain a grant of executive clemency.

2. All records relating to the financial relationship between Tony Rodham and the Gregorys or their companies, including but not limited to contracts, consultancy agreements, employment agreements, records of compensation, loans, or other payments, and records reflecting work performed for the Gregorys or their companies by Tony Rodham.

Please produce the requested records by close of business on April 10, 2001. If you have any questions about these requests, please contact the Committee's Deputy Counsel, David A. Kass at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

HAMPTON, LARKOWSKI & BENCA
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ATTORNEYS AT LAW
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LITTLE ROCK, ARKANSAS 72201
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PATRICK J. BENCA, P.A.
BRYAN P. CHRISTIAN +
* Licensed to practice in Arkansas and Illinois
+ Licensed to practice in Arkansas and Texas
- Licensed to practice in Texas only

MARIETTA ALPHIN
Office Administrator

OF COUNSEL
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Dallas, Texas 75209
(214) 351-4333

CONWAY OFFICE
809 Parkway, Suite 101
Conway, Arkansas 72032
(501) 932-0060
(501) 932-0062 (facsimile)

VIA FACSIMILE (202-225-3974)
AND U. S. MAIL

April 3, 2001

Congress of the United States
House of Representatives
Committee on Government Reform
Dan Burton, Chairman
c/o James C. Wilson, Committee's Chief Counsel
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: George Locke; Interview of Committee Staff/March 26, 2001

Dear Mr. Wilson:

Please be advised that I have been retained by George Locke in connection with the Committee's request that it conduct an interview of my client regarding it's investigation into certain offers to obtain pardons and commutations from former President Clinton. Additionally, in your March 14th letter you have requested that certain business records be produced in connection with the Committee's investigation. I have previously spoken to David Kass, Deputy Chief Counsel, and I wish to inform the Committee that I wish to invoke, at this time, my client's Fifth Amendment Right against self-incrimination. We, therefore, chose not to accept, at this time, your request to interview my client. I have informed Mr. Kass that we will work towards preparing a written proffer statement to be submitted to your office for review in the near future.

As to your request for production of documents, I will be in contact with Mr. Kass in the near future to discuss honoring this request at a later date.

If I may be of further assistance to the Committee regarding these matters, please contact me immediately.

Sincerely,

Mark F. Hampton

MFH:ma

cc: George Locke

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INDEPENDENT

April 4, 2001

VIA FACSIMILE (310) 578-6247 AND FIRST CLASS MAIL

Edward A. Rucker, Esq.
1717 Fourth Street, Third Floor
Santa Monica, CA 90401-3301

Re: Request for Information Regarding Presidential Pardon

Dear Mr. Rucker:

Thank you for your letter of March 22, 2001. From your letter, the Committee understands that you have advised your clients, Carlos and Horacio Vignali, not to respond to this Committee's subpoenas duces tecum, dated March 21, 2001. In so doing, you cited the pending criminal investigation by the U.S. Attorney's Office for the Southern District of New York of certain grants of clemency by President Clinton. You also suggested that your clients would not respond to the subpoena unless the Committee granted your clients document production immunity.

It appears from your response that you believe that the ongoing criminal investigation in the Southern District of New York requires your clients to invoke their Fifth Amendment rights against self-incrimination. However, your letter of March 22, 2001, did not actually assert the Fifth Amendment, or any other privilege. Having received a subpoena from the Committee, the Vignalis should either comply with the subpoena, or clearly assert the appropriate privilege.

If you have any questions regarding this matter, please contact Deputy Counsel David Kass at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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INDEPENDENT

April 4, 2001

Bart Williams, Esq.
Munger, Tolles & Olson
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071

Dear Mr. Williams:

Enclosed please find a subpoena for your client, Roger Clinton. Thank you for accepting service on behalf of Mr. Clinton.

Item number two of the enclosed subpoena requires the production of "[a]ll records reflecting the bank name and bank account number for all bank accounts held by [Roger Clinton] between January 20, 1992, and the present." Mr. Clinton may comply with this request by providing the Committee with a list of all such bank accounts, rather than providing the subpoenaed items described in item two.

In the telephone discussion of March 22, 2001, between you, me, and Jim Wilson, you stated that Mr. Clinton did not have any records responsive to the Committee's March 14, 2001, subpoena. I want to draw your attention to the portion of that subpoena which requires Mr. Clinton to produce to the Committee all records relating to CLM, L.L.C. The records demanded by this portion of the subpoena include any records of payments made to him by CLM, L.L.C. If Mr. Clinton has access to any such records, please produce them to the Committee as soon as possible.

If you have any questions about this matter, please contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

cc: Michael Yeager, Minority Senior Oversight Counsel

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INDEPENDENT

April 4, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee all records referring to contact between Prime Minister Ehud Barak and President Clinton between November 1, 2000, and January 20, 2001, regarding Marc Rich or Pincus Green. To the extent the requested records discuss matters unrelated to Marc Rich or Pincus Green, please redact any such material before the records are produced to the Committee.

Please produce the requested items by the close of business on April 18, 2001. If you have any questions about this request, please have your staff contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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INDEPENDENT

April 4, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

I have received the second set of documents you produced on behalf of First National Bank of Crossett ("the Bank") as well as your letter of March 30, 2001. Thank you for providing some of the records identified in my letter of March 27, 2001.

With regard to the records relating to deposits, it appears that while you did provide copies of deposit slips, you did not provide copies of the deposited items. The records you produced appear to indicate that the Bank keeps copies of the deposited checks and, thus, could have provided them. For example, enclosed is a copy of the deposit slip for the $100,000, November 25, 1998, deposit. On the bottom, left-hand side of the page, the right-most portion of a check numbered 59260 in the amount of $100,000 is visible. Obviously, having complete, clear copies of the deposited items is necessary for the Committee to ascertain the source of incoming funds to the account. The letter requested, pursuant to the subpoena, "all records relating to" the specified transactions, and copies of the deposited checks certainly constitute records relating to the deposit. Accordingly, to the extent the Bank maintains such records, please provide copies of the deposited items for the transactions identified in my previous letter by close of business, April 6, 2001.

My previous letter also sought answers to three specific questions:

1. Is account number [redacted] till open?
2. Is account number [redacted] e only account for which the Bank has records indicating ownership by CLM, L.L.C.?
3. Is the signature card provided to the Committee in your first production the only signature card for account number [redacted]

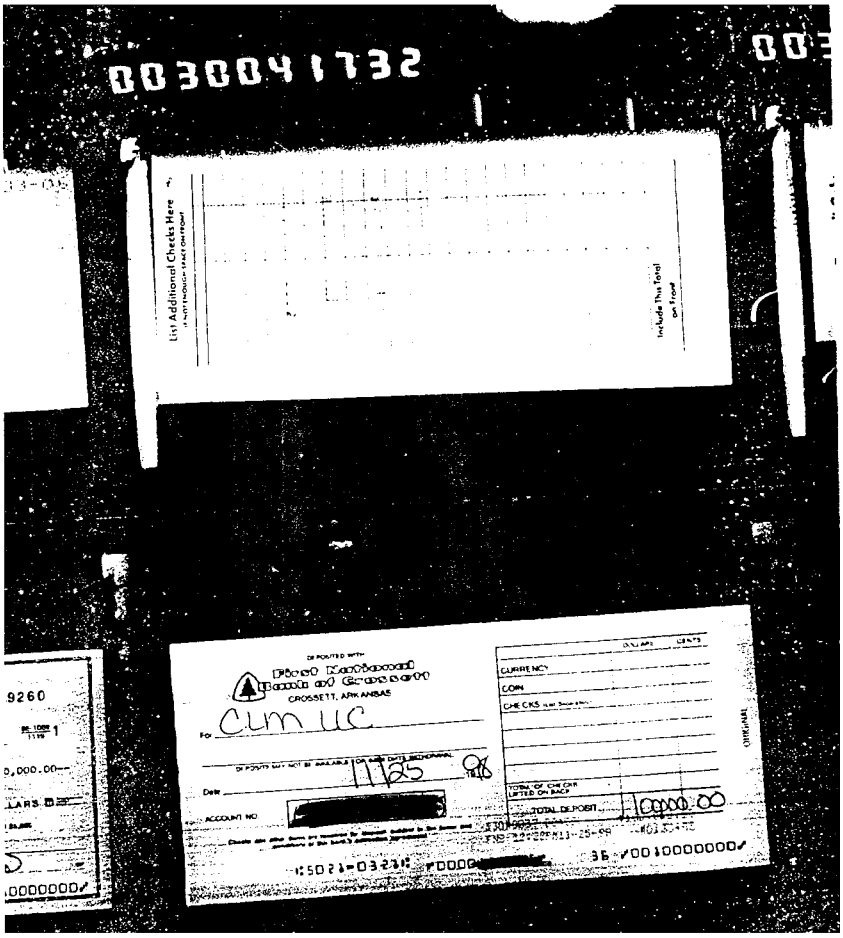
Your letter provided no answers to these questions and no indication that any answers would be forthcoming. Please provide a written response to these three questions by close of business, April 6, 2001.

If you have any questions about this matter, please contact me or the Committee's Deputy Counsel, David Kass at (202) 225-5074.

Sincerely,

Jason A. Foster
Counsel

Enclosure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List Additional Checks Here
Include This Total on Front
First National Bank of Crossett
CROSSETT, ARKANSAS
For CLM UC
11125
Date
ACCOUNT NO
CURRENCY
COIN
CHECKS
TOTAL DEPOSIT
100000.00
ORIGINAL

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

March 30, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

VIA FEDERAL EXPRESS

RE: CLM, L.L.C. Bank Records

Dear Mr. Foster:

As you requested in your recent letter, I enclose copies of all requested documents except for the $600.00 deposit on June 24, 1999. I am informed by the bank employee who prepared these records that there was a bad spot on the microfilm for that particular item so it is not reproducible.

I also understand from tracking the previous FedEx letter to you that it did timely arrive at your office and apparently was misplaced by the Committee employees. With respect to the Committee's offer to pay twenty-five cents (25¢) per copy and the cost for transmitting the records to the Committee, the bank declines that offer. As I indicated to you before, that would not even remotely reimburse the bank for the hundreds of dollars of time that it has spent in reproducing these records. In this connection, I am reminded by the famous quote of Lord Acton:

> Power tends to corrupt; absolute power corrupts absolutely.

Again, it is extremely unfortunate that those who are elected to look out for the rights of the people too frequently get caught up in their own self importance.

Very truly yours,

Thomas S. Streetman/ad

Thomas S. Streetman

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TSS/ad
Enclosures
cc: Mr. Edward L. Holt, President
First National Bank of Crossett

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

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Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

April 5, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Committee on Governmental Reform
Subpoena Duces Tecum Dated April 4, 2001

Dear Mr. Foster:

This will acknowledge copy of your fax transmittal of the above Subpoena to me on behalf of Edward L. Holt as President and CEO of First National Bank of Crossett.

I must have misunderstood you when we talked on the late afternoon of April 4th because I thought you indicated to me that there was no time deadline in furnishing these additional records. Under our present circumstances, it will be impossible for the bank to comply with the April 11, 2001 deadline. There are several reasons why the bank will be unable to comply with th is deadline. First, the bank only has one machine for retrieval and copying of these records. Secondly, it only has two employees who operate the machine. Thirdly, there are other pending requests for copying of records including a subpoena in a state court suit as well as copying records of a bank customer who appears to have defrauded the bank a substantial amount of money.

We will attempt to have the records to you by April 20, 2001.

With respect to the items which accompanied the deposit tickets that you inquired about, we hope to have those items in the mail to you on April 6, 2001.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
First National Bank of Crossett

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HOUSE COMMITTEE ON
GOVERNMENT REFORM

EDWARD A. RUCKER
ATTORNEY AT LAW
1717 FOURTH STREET, THIRD FLOOR
SANTA MONICA, CALIFORNIA 90401
TELEPHONE (310) 576-6242
FAX (310) 576-6247

April 6, 2001

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Presidential Pardon Investigation

Dear Mr. Chairman:

I am writing in response to your letter of April 4, 2001. I am sorry that my language was not sufficiently clear in my letter of March 22, 2001. In light of the ongoing criminal investigation by the United States Attorney for the Southern District of New York, my clients respectfully refuse to respond to the Committee's subpoena duces tecum, and assert their rights under the Fifth Amendment to the Constitution of the United States and their attorney-client privileges. Accordingly, my clients are unable to respond to this subpoena without a grant of document production immunity. As soon as such immunity is granted we will, of course, comply.

Very truly yours,

Edward A. Rucker

EAR:sis
Cc: The Honorable Henry Waxman

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 6, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Request for DEA Records Relating to Carlos and Horacio Vignali

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton on January 20, 2001. In connection with that investigation, the Committee hereby requests that you produce the following records.

1. All Drug Enforcement Administration records relating to Carlos Vignali; and

2. All Drug Enforcement Administration records relating to Horacio Vignali.

If you have any questions about this request, please contact Deputy Counsel David Kass at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

Dear Mr. Burton:

In Responce to your letter on 3-14-01 Asking For Any Records that I might have. I do not have any Records in the Two Subject As stated in your Request.

I talked to Two members of your staff this week. I believe it was David & Jason. It went quite well and I hope it will be helpful.

Sincerely,

Gary Lake

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 10, 2001

Richard G. Crane, Esq.
2200 Hillsboro Road, Suite 310
Nashville, TN 37212

Dear Mr. Crane:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by former President Clinton. I write to request that you and your client, Joseph McKernan, Jr., produce all records relating to the effort to obtain a grant of executive clemency for Mr. McKernan. This request includes, but is not limited to, any records relating to Roger Clinton's involvement the pardon request.

Please produce the requested records by close of business on April 17, 2001. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass at (202) 225-5074. Thank you for you cooperation in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

BRAND & FRULLA
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

April 10, 2001

VIA FACSIMILE & FIRST CLASS MAIL

Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515
Attn: Deputy Counsel David Kass

Re: Subpoena

Dear Mr. Kass:

This letter responds to the April 4, 2001 subpoena duces tecum issued by the United States House of Representatives' Committee on Government Reform to David Dreyer. The subpoena commands that Mr. Dreyer produce "all records from 1996 to the present" relating to the federal executive grant of clemency issued to Harvey Weinig. In accordance with the United States Supreme Court's ruling in *United States v. Hubbell*, 530 U.S. 27, 120 S.Ct. 2037 (2000), Mr. Dreyer respectfully declines the Committee's request to produce the requested documents pursuant to the "act of production" doctrine.

Sincerely,

Ross A. Nabatoff
Jason S. Hadges

RAN/JSH:mob

MUNGER, TOLLES & OLSON LLP

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LOS ANGELES, CALIFORNIA 90071-1560
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April 10, 2001

WRITER'S DIRECT LINE
(213) 683-9295
williamsbh@mto.com

Via Fax and U.S. Mail

James C. Wilson, Esq.
Chief Counsel
Congressional Committee on
Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Roger C. Clinton

Dear Mr. Wilson:

We are in receipt of Subpoenas issued by the House Committee on Government Reform dated March 14, 2001 and April 4, 2001 ("the Subpoenas"). Pursuant to the instructions in your letter of April 4, 2001, Mr. Clinton hereby responds to item 2 of the April 4, 2001 Subpoena by disclosing the following account numbers for accounts held at Bank of America, 43591 Mission Blvd., Fremont California: #[redacted] (ODGIE Music); and #[redacted] (Roger C. Clinton).

I should point out that this is only a partial response to the Subpoenas. As I have mentioned previously, we were retained only recently by Mr. Clinton, and we are still in the process of gathering and reviewing potentially responsive documents and records. To date, our search has yielded no non-privileged documents that are responsive to the Subpoenas.

We intend to respond fully to the Subpoenas and ultimately to verify that we have produced all responsive documents consistent, of course, with Mr. Clinton's rights and

privileges. We anticipate that our review will be completed by April 27, 2001. Please give me a call if you have any questions concerning the foregoing.

Very truly yours,

Bart H. Williams

Bart H. Williams

BHW:tv

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 10, 2001

Jon A. Sale, Esq.
Sale & Kuehne, P.A.
Bank of America Tower, Suite 3550
100 S.E. 2d Street
Miami, Florida 33131

Dear Mr. Sale:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain grants of clemency by former President Clinton. As part of that investigation, the Committee has been reviewing the pardon of Glenn Braswell. Your client, Kendall Coffey, has already produced documents to the Committee regarding the pardon of Mr. Braswell. I request that Mr. Coffey participate in an interview with Committee staff regarding the Braswell matter. Mr. Coffey's participation in an interview with Committee staff would greatly assist the Committee in its investigation.

Please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074, to schedule the interview. Thank you for your cooperation in this matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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April 11, 2001

James C. Wilson, Esq.
Chief Counsel
U.S. House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Request for Staff Interview of Terry McAuliffe

Dear Mr. Wilson:

This will respond to your letter of March 30, 2001 regarding Terry McAuliffe. After consulting with my client, I am able to respond to your letter as follows:

First, Mr. McAuliffe can make no evaluation as to the Denise Rich contribution relative to other contributions. As you must know by now, Mr. McAuliffe was not involved in raising any funds for the Library from Mrs. Rich, nor was he involved in any way with the pardons of Mr. Rich or Mr. Green.

Second, Mr. McAuliffe is unaware of any information indicating that Mrs. Rich was willing to donate more than $450,000 to the Library.

Third, as best we can understand your question, Mr. McAuliffe does not believe he has information that would be pertinent . Moreover, I would point out that your third inquiry does not appear to have any connection to the Rich or Green pardons which were, of course, the focus of the Chairman's original request.

In summary, it does not appear that a personal interview with the staff is warranted at this time. Mr. McAuliffe wishes you to know that his obligations as Chairman of the Democratic National Committee to help elect a Democratic majority to the House and Senate are fully occupying his time at present. However, should you have any specific question relevant to the Committee's inquiry, Mr. McAuliffe continues to be willing to cooperate.

Very truly yours,

Richard Ben-Veniste

cc: Mr. Terence R. McAuliffe

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 12, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

I have received the third set of documents you produced on behalf of First National Bank of Crossett ("the Bank") as well as your letters of April 5 and 6, 2001. Thank you for answering the questions posed and for providing some of the records identified in my letter of April 4, 2001.

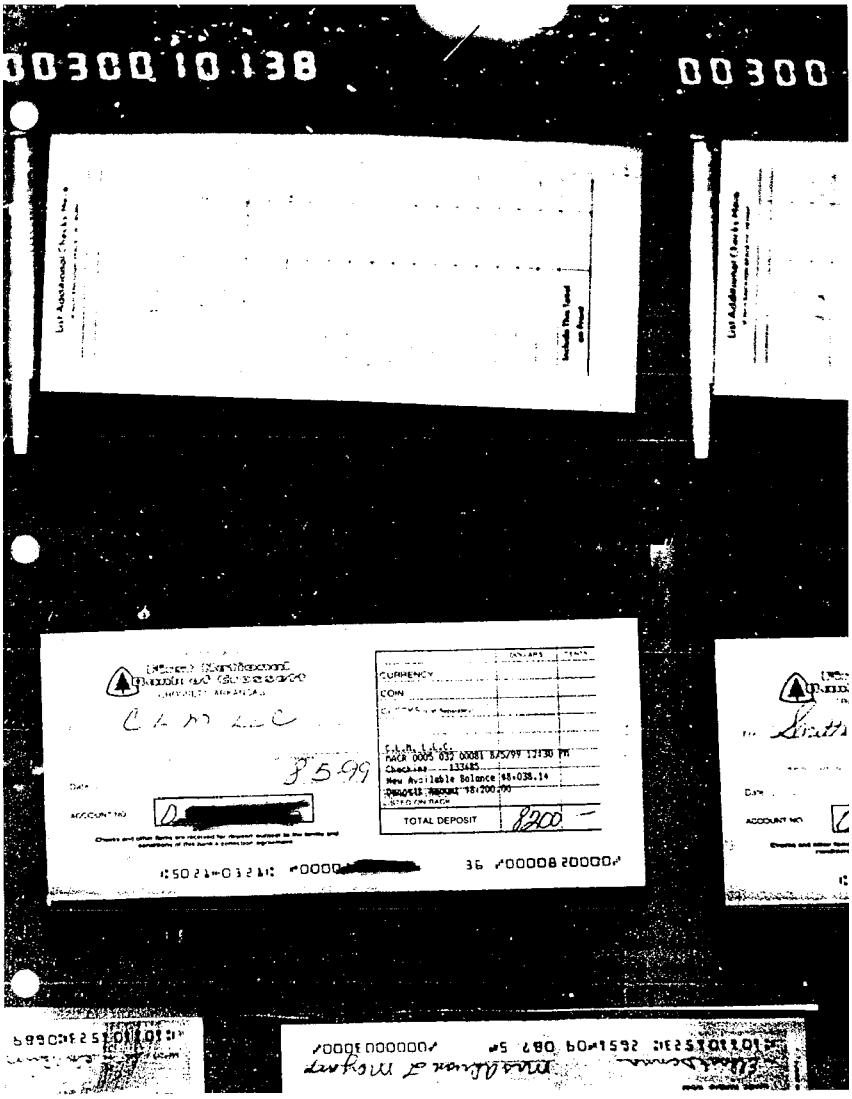
There remains one deposited item sought pursuant to the March 15, 2001, subpoena which the Bank has not yet produced. A deposit slip provided with your March 30, 2001, letter indicates a deposit of $8,200 on August 5, 1999 (I have enclosed a copy for your convenience). If a copy of the check or item indicating the source of the deposited funds exists, please produce it to the Committee as soon as possible.

If you have any questions about this matter, please contact me or the Committee's Deputy Counsel, David Kass at (202) 225-5074.

Sincerely,

Jason A. Foster
Counsel

Enclosure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CURRENCY
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TOTAL DEPOSIT
8200
8-5-99
ACCOUNT NO.

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
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April 5, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Committee on Governmental Reform
Subpoena Duces Tecum Dated April 4, 2001

Dear Mr. Foster:

This will acknowledge copy of your fax transmittal of the above Subpoena to me on behalf of Edward L. Holt as President and CEO of First National Bank of Crossett.

I must have misunderstood you when we talked on the late afternoon of April 4th because I thought you indicated to me that there was no time deadline in furnishing these additional records. Under our present circumstances, it will be impossible for the bank to comply with the April 11, 2001 deadline. There are several reasons why the bank will be unable to comply with th is deadline. First, the bank only has one machine for retrieval and copying of these records. Secondly, it only has two employees who operate the machine. Thirdly, there are other pending requests for copying of records including a subpoena in a state court suit as well as copying records of a bank customer who appears to have defrauded the bank a substantial amount of money.

We will attempt to have the records to you by April 20, 2001.

With respect to the items which accompanied the deposit tickets that you inquired about, we hope to have those items in the mail to you on April 6, 2001.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
First National Bank of Crossett

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STREETMAN & MEEKS
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302 Main Street
Crossett, Arkansas

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(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

April 6, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: CLM, LLC FNBC Bank Records

Dear Mr. Foster:

This responds to your fax letter dated April 4, 2001, requesting items which cleared with the deposits as more specifically identified in your March 27, 2001, letter.

I can assure you that it is difficult to maintain a professional demeanor when dealing with the Committee on Government Reform.

I enclose the following items which cleared with the deposits as indicated below:

1. Deposit of $70,000 on 8/19/98 and reprint of $70,000 wire transfer from Bank of America Texas to First National Bank of Crossett for deposit to CLM, LLC Account No. 13-348-5

2. $100,000 deposit dated November 25, 1998 and cashier's check dated November 23, 1998 in the amount of $100,000 drawn on Norwest Bank on behalf of Alberta Lincecum and payable to CLM, LLC (front and back);

3. $100,000 deposit dated December 31, 1998 and check in the amount of $100,000 dated December 22, 1998 drawn on Edwards Jones payable to Guy Harper Lincecum, endorsed by Guy H. Lincecum and deposited to the account of CLM, LLC (front and back);

4. Deposit of $600 on June 24, 1999 (unable to duplicate clearing item);

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HOUSE COMMITTEE ON
GOVERNMENT REFORM

5. $635.44 deposit on 6/29/99 and enclosed check from Southern Farm Bureau Casualty Insurance Company to Dickey Morton dated June 17, 1999 in the amount of $835.44 and a cash out credit of $200 on 6/29/99; and

6. $5,300 deposit on July 6, 1999 and check from David A. Crockett and Barbara B. Crockett payable to Dickey Morton dated July 2, 1999 in the amount of $6,000 drawn on a Paine Weber account and a cash out credit ticket in the amount of $700.

With respect to the three questions contained in your April 4th letter, the answers are:

1. Account No. [redacted] was closed in September 1999 as the records we previously furnished you so indicate.

2. CLM, LLC had no account at First National Bank of Crossett other than Account No. [redacted]

3. The signature card that we previously provided you in our March 20, 2001 letter is the only signature card on file at the bank for CLM, LLC and the only signature care for Account No. [redacted]

Mr. Foster, will you please advise me if you circulated my March 20, 2001 letter among the Committee members as I requested.

Very truly yours,

Thomas S. Streetman

TSS/ad
Enclosures
cc: Mr. Edward L. Holt, President
First National Bank of Crossett

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 16, 2001

Richard G. Crane, Esq.
2200 Hillsboro Road, Suite 310
Nashville, TN 37212

Dear Mr. Crane:

The following request supersedes the one contained in the letter I sent to you on April 10, 2001. You and your client, Joseph McKernan, Jr., are hereby requested to produce all records relating to any efforts to get Mr. McKernan's pardon approved by the President. This request includes, but is not limited to, all records relating to any involvement of Roger Clinton in the effort to have Mr. McKernan's pardon approved.

Please produce the requested records by close of business on April 23, 2001. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass at (202) 225-5074. Thank you for you cooperation in this matter.

Sincerely,

Dan Burton
Chairman

cc: Henry A. Waxman
Ranking Minority Member

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INDEPENDENT

April 23, 2001

Bill Hayes
Investment Representative
Edward Jones
6842 Main Street, #103
P.O. Box 726
Frisco, Texas 75034

Dear Mr. Hayes:

As I explained in our telephone conversation of earlier today, the Committee on Government Reform is investigating certain pardons and commutations issued by President Clinton. In connection with that investigation, the Committee is examining matters relating to Garland Lincecum.

It is my understanding that Edward Jones possesses a copy of a letter from Edward Jones to Dickey Morton, describing the account held at Edward Jones by Guy Lincecum. Please produce a copy of that letter to the Committee. If you have any questions about this request, I can be contacted at (202) 225-5074. Thank you for your cooperation.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

cc: Michael Yang, Minority Counsel

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INDEPENDENT

April 26, 2001

Bank of America
Subpoena Processing Unit #5473
Mail Code CA9-705-05-19
P.O. Box 3609
Los Angeles, California 90051

Re: Reference Number 572-20APR01

To Whom it May Concern:

I am writing to request that the Bank of America produce the following items pursuant to the subpoena issued by the Committee on Government Reform on April 17, 2001. These items have been identified after reviewing the statements for account [redacted], belonging to Roger C. Clinton and Molly D. Clinton, which were produced to the Committee on April 25, 2001.

Deposit	02/20/98	$2,500
Deposit	03/05/98	$1,600
Deposit	04/06/98	$3,000
Deposit	04/14/98	$1,000
Check 2291	03/24/98	$1,400
Check 2314	04/10/98	$1,400
Deposit	04/23/98	$3,000
Deposit	05/01/98	$1,500
Deposit	05/04/98	$500
Deposit	05/08/98	$1,200
Check 2351	05/07/98	$1,270
Deposit	06/03/98	$3,000
Check 2371	06/09/98	$1,400
Deposit	07/08/98	$3,500
Check 2384	07/13/98	$1,297
Deposit	07/21/98	$1,000
Deposit	07/23/98	$500
Deposit	08/04/98	$500
Deposit	08/10/98	$3,500
Check 2407	08/11/98	$1,400

Deposit	08/19/98	$4,000
Deposit	09/03/98	$7,130
Check	09/04/98	$3,500
Check 2427	09/08/98	$1,400
Deposit	09/18/98	$1,000
Deposit	10/02/98	$3,000
Check 2453	10/09/98	$1,400
Deposit	10/19/98	$1,500
Deposit	10/21/98	$1,500
Deposit	10/26/98	$500
Deposit	10/28/98	$500
Deposit	11/04/98	$1,600
Deposit	11/05/98	$926
Check 2483	11/10/98	$1,400
Deposit	11/18/98	$1,062
Deposit	11/30/98	$1,000
Deposit	12/02/98	$4,500
Check 2518	12/08/98	$1,358
Deposit	12/24/98	$500
Deposit	01/04/99	$800
Deposit	01/12/99	$2,000
Check 2540	01/12/99	$1,400
Deposit	01/15/99	$2,000
Deposit	02/01/99	$3,000
Check 2559	02/05/99	$1,400
Deposit	02/16/99	$2,000
Deposit	02/26/99	$1,000
Deposit	03/04/99	$2,500
Deposit	10/28/99	$1,000
Deposit	10/29/99	$1,500
Deposit	11/17/99	$7,000
Deposit	12/09/99	$10,000
Check 2836	11/22/99	$4,104.11
Deposit	12/20/99	$50,000
Deposit	12/27/99	$2,500
Deposit	1/4/00	$50,000
Check 2860	12/20/99	$50,000
Deposit	1/27/00	$4,500
Deposit	2/8/00	$4,000
Check 2886	1/24/00	$1,000
Check 2887	1/24/00	$1,000
Check 2889	1/27/00	$50,000
Check 2916	2/14/00	$1,100
Deposit	2/22/00	$1,000
Deposit	2/22/00	$6,000
Deposit	2/24/00	$4,000

Deposit	2/24/00	$6,000
Check 2925	2/28/00	$1,021.70
Check 2927	2/28/00	$1,200
Check 2942	3/6/00	$1,100
Check 2943	3/3/00	$1,174.53
Deposit	3/24/00	$3,000
Deposit	4/6/00	$3,000
Deposit	4/10/00	$3,000
Check 2972	4/7/00	$2,970
Deposit	4/18/00	$2,000
Deposit	5/10/00	$1,500
Deposit	5/11/00	$3,000
Deposit	5/15/00	$1,500
Check 2983	4/20/00	$2,665
Check 3002	5/11/00	$1,950
Deposit	5/24/00	$1,200
Deposit	6/1/00	$3,700
Deposit	6/12/00	$500
Deposit	6/14/00	$6,050
Check 3010	5/24/00	$500
Check 3012	5/30/00	$1,000
Deposit	7/7/00	$7,680
Check 3030	6/19/00	$1,665
Check 3041	7/14/00	$3,780
Deposit	7/24/00	$1,000
Deposit	7/27/00	$500
Deposit	8/2/00	$1,000
Deposit	8/11/00	$1,700
Deposit	8/30/00	$500
Deposit	8/30/00	$1,000
Deposit	9/8/00	$1,550
Deposit	9/20/00	$300
Deposit	9/20/00	$595
Deposit	9/25/00	$500
Deposit	9/27/00	$4,000
Deposit	10/06/00	$1,000
Deposit	10/30/00	$1,555.45
Deposit	11/06/00	$1,000
Deposit	11/08/00	$700
Deposit	11/13/00	$500
Deposit	11/30/00	$3,000
Deposit	12/07/00	$3,000
Deposit	12/14/00	$2,000
Check (no number)	12/1/00	$1,000
Check 3156	12/4/00	$400
Check 3158	12/8/00	$515

Deposit	12/15/00	$1,000
Deposit	12/18/00	$870.50
Deposit	1/4/01	$1,000
Deposit	1/9/01	$1,042.38
Deposit	1/17/01	$1,000
Deposit	1/24/01	$2,000
Deposit	2/08/01	$1,253.76
Deposit	2/12/01	$2,000
Check 3194	1/19/01	$1,032.22
Deposit	2/21/01	$2,000
Deposit	2/26/01	$2,000
Deposit	3/05/01	$3,000
Deposit	3/08/01	$1,000
Deposit	3/22/01	$2,000
Deposit	3/26/01	$15,000
Deposit	4/4/01	$5,000
Deposit	4/13/01	$2,000
Check (no number)	3/28/01	$1,000
Check (no number)	4/16/01	$1,000
Check 3243	4/2/01	$10,000
Check 3244	4/2/01	$500

Please produce these items as soon as possible, and if necessary, on a rolling basis. Please contact me at (202) 225-5074 if you have any questions about this matter.

Very truly yours,

David A. Kass
Deputy Chief Counsel

29-ABR-2001 11:10 DESDE:COMUNIDAD ISRAELITA 34915941517 A:10740012022255127 P.2



Comunidad Israelita de Madrid
הקהילה היהודית במדריד

Congress of the United States
House of Representatives
Committee of Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143
U.S.A.

Att: Mr. M. Scott Billingsley

Madrid, April 29th 2.001

Dear Mr. Billingsley:

Thank you very much for your fax dated April26, 2.001.
Please find hereafter, my answers to your questions:

1) Mr. Marc Rich is a long lasting member of our community.
Tel Aviv based Doron and Rich foundations have been, since the mid eighties, supporting projects linked to Jewish non formal education as well as enhancing programs for the sole Jewish school of Madrid.

2) Mr. Avner Azulay, managing director of The Rich Foundation, contacted me.

3) I was asked by Mr Azulay, to confirm Mr. Rich membership to our organization and to support him in order to obtain pardon.

4) Since we had no previous experience in addressing letters to the President of the United States, I asked Mr. Azulay to help structuring the letter. As usual, the letter was signed by The Comunidad Israelita de Madrid's President on a pre-stamped signature mode.

C/ Balmes, 3 - 28010 Madrid - Tel.: 91 591 31 31 - Fax: 91 594 15 17 - e-mail: cimsecretaria@telefline.es

5) Being in charge of institutional relations, I decided to write the letter, and inform my colleagues in a regular board meeting held on December 11th, 2.000.

6) No mention or opinion was conveyed in the aforementioned letter concerning Mr. Rich legal case in the United States.

7) Absolutely not.

Best regards.

Salomon Benatar
C.I.M. member of the board

c/c C.I.M. Board of Directors.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 30, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

On April 4, 2001, the Committee issued a subpoena requiring that the First National Bank of Crossett ("the Bank") produce certain records to the Committee. This was the Committee's second subpoena to the Bank in conjunction with its ongoing pardon investigation. In your April 5, 2001, letter you indicated that it would be impossible for the Bank to comply with the April 11, 2001, deadline and said that you would attempt to produce the records to the Committee by April 20, 2001. While you have produced documents pursuant to the first subpoena, I have yet to receive any documents pursuant to the second subpoena.

As with the first subpoena, initially the Bank only needs to produce the monthly statements of account activity for the accounts identified in the subpoena. If no records of any account for the individuals or entities listed in the subpoena exist, please advise me of that fact. From the statements produced, staff will identify specific transactions for which the Committee seeks related records.

Please provide another projected date by which the Committee will receive the statements. If you have any questions, you may contact me or the Committee's Deputy Chief Counsel, David Kass at (202) 225-5074.

Sincerely,

Jason Foster

Jason A. Foster
Counsel

U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, DC 20530-0001*

April 30, 2001

The Honorable Dan Burton
Chairman, Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

This refers to your notice to the Attorney General of the intention of the Committee on Government Reform of the House of Representatives to seek an order to compel the testimony of Denise Rich.

The Department of Justice has no objection to granting immunity to Denise Rich pursuant to 18 U.S.C. Section 6005 and hereby waives the right to further notice and to defer the court's order under 18 U.S.C. Section 6005 (b)(3) and (c).

Sincerely,

John C. Keeney

John C. Keeney
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

JAY ETHINGTON
ATTORNEY AT LAW

2515 Thomas Avenue
Dallas, Texas 75201
(214) 740-9955
Fax (214) 740-9912

May 1, 2001

VIA FACSIMILE (202) 225-3975

David Cass
Deputy Counsel and parliamentarian
House Government Reform Committee

Dear Mr. Cass:

Pleas find attached a condensed summary of the testimony my client is eager to provide. Portions have been redacted which relate to documents and other individuals that he desires to keep confidential until all issues are resolved. If subpoenaed, my client would assert his constitutional privilege until his concerns are eliminated.

If you have further questions, please call.

Sincerely,

Jay E

Jay Ethington

JE:mg

Enclosure

[redacted]

FACSIMILE COVER PAGE

[redacted]

In 1998 I was working for a non-profit foundation named MM Foundation. The foundation was going to do charity work and other types of business abroad, the CEO and Chairman of the Board of that company decided that it would be smart to have diplomatic passports for himself and me. He though it would allow for easy travel, open certain business doors or opportunities, provide prestige for the charity and give his company immediate credibility. He was aware that I knew Dickey Morton and certain other persons in Arkansas and since President Clinton was in the White House and that Dickey knew him personally he instructed me to contact Dickey and see if he could lobby for and get diplomatic passports.

I then telephoned Dickey from my office in Denton, Texas from the office phones (phone records exist) and ask Dickey Morton if he could procure two diplomatic passports. He told me that he would check with a Senator George Locke and Rodger Clinton who he knew and was partners with them in a company, involved with different business ventures and he would let me know if it was possible.

About that time Lin Lensecurn had been convicted of a crime in New York and was sentenced to prison. He came to see me and ask if I could talk to Dickey and his group about getting him a pardon, as he felt that he was falsely convicted. I told him that I would ask Dickey Morton when I talked to him next and let him know.

In the following few days Dickey called me in Denton and told me that he could get the diplomatic passports that I had requested. He told me that there was a procedure that I would have to go through, we would be screened for the request. The next day when Dickey called me I told him at that time about the pardon that Lin Linsecum had ask me to ask him about and if he could get Lin Lensecum a pardon. He told me that his group could arrange for pardons and that it would cost about $225,000 to $250,000 per pardon. I told him that I would pass on his message to Lin Lensecum and that he would have to meet with Mr. Lensecum in person to arrange for the funds and pardon, that I would not be nor have any part of it nor would I be a go between regarding any kind of pardons. That my intetest was only in the diplomatic passports that I had requested.

I called Lin and told him that Dickey had agreed to get the pardon for him and that it would cost money.

That very afternoon I received a fax from Dickey telling me to buy two first class airline tickets for Rodger Clinton from California to DFW, one for him and another one for a combanion, and to arrange for hotel accommodations for them at the Embassy Suites. The fax also said that I should bring $30,000 in cash (which I with drew from a Bank in cash) for Rodger and that he would let me know what was involved and what I needed to be able to be entitled to and be awarded a diplomatic passport, that I had requested. Dickey also said tollet Lin know that they would meet with Lin on the same day and that the pardon had all been arranged for.

I told Dickey to tell Lin himself, but that I would deliver the message and tell Lin about the meeting with them (Rodger Clinton, Dickey Morton and Senator George Locke). I gave Dickey Lin's phone number or it could have been the other way around. I booked two first class airline tickets to for Rodger Clinton and made the reservations at the hotel for the three of them to stay. Rodger Clinton, Dickey Morton; and George Locke.

I let Lin know that I would be meeting them the next day and that they wanted to meet with him as well. I told him that he needed to set up the meeting with Dickey, that I would not be involved. He agreed.

The next day I went to the hotel about 10:00 am and met Dickey in the lobby. He said that Rodger Clinton and Senator George Locke were in a room and took me up to see them. When we entered the room Rodger Clinton and Senator George Locke were sitting at a table and we were told to sit and we did. Dickey Morton introduced me to them. The first question that they asked me was if I had brought the $30,000 in cash. I gave the cash to them. I don't remember if they counted it or not. Upon handing them the funds Dickey told me to explain to Rodger and the Senator what it was that I had requested, we talked about two diplomatic passports. The

FROM : PHONE NO.

conversation was all business and very formal.

I told them what I wanted and that everything had to be included in the final price that would be required to get the diplomatic passports including investigations, copies of any documents and etc. Dickey had told me that the $30,000 was just a down payment and show of good faith. Rodger Clinton was amazed when I told him that I had never been convicted of any crimes, never charged or indicted and never been arrested. He stated at that time that I was the only clean one at the table. All three of them (Rodger Clinton, Dickey Morton and Senator Locke) assured me that they could get us the diplomatic passports. I stated that I would have nothing to do with anything thats illegal and that I would walk away rather than get involved with anything even questionable. They told me that they could lobby anyone that they wanted too and that Bill Clinton would do whatever Rodger wanted him to do.

They told me to tell Lin that his pardon could be arranged and that there would be no problem in him getting a pardon from Bill Clinton the President. They said that they had arranged for Rodger Clinton and George Locke to get a pardon as well. They said that if I knew anyone else who wanted a pardon to get him or her in touch with them. I told them I only had an interest in the passports. I ask if they were going to see Lin and the said yes later that day.

I then left the hotel and called Lin and told him of my conversation with them and that they wanted to meet him. I found out later from Lin that he called Dickey they did meet later that day. I was not present at their meeting.

I called Dickey Morton several times over the next few months about the passports and he told me they were in the works and that Rodger Clinton has gone to the White House and that Bill Clinton had agreed to get us the diplomatic passports but that it would take a while. He told me that they had checked my background and that there was nothing in the F. B. I. Files or any other file that would prevent me from obtaining what I had requested (the diplomatic passports). Time went by, for several months (and nothing happened).

The next time I saw the three of them Rodger Clinton, Dickey Morton and Senator George Locke was in . I was there on business and Dickey called me and told me that he, Rodger Clinton, and Senator George Locke wanted to meet me and finish the deal regarding the passports. I agreed and Dickey told me to make arrangements for them. I told him that I was not going to pay for any more airline tickets and after an argument and a threat that I might not get the passports or that it could affect it, as I would not be acting in good faith, I even though I was paying it would still a big favor. I agreed to pay for the hotel only but not the tickets. I booked the three in a the Rodger Clinton, Dickey Morton and Senator George Locke.

I picked up Dickey Morton and Senator George Locke at the airport and then we three picked up Rodger Clinton and took them to the hotel. Rodger had picked up some girls on the plane and was in a hurry to get laid as he put it. I wanted to talk business but he insisted that it wait until the next morning. I took Dickey and Senator Locke to the Golden Nugget after a meal that I paid for and upon their insistence gave them each [redacted] Later that night we went to the hotel and retired.

I picked them up at the hotel the next morning and we went to a meeting with two of Elvis Presley's former bodyguards and friends and they gave Rodger Clinton a plaque with a picture of Elvis, a record and an original autograph of his in it. Other people also saw me with them that were present.

They told me that the final payment for the two diplomatic passports is $70,000 and that I should wire the funds the next day [redacted] Rodger Clinton, Dickey Morton and Senator George Locke [redacted] I called the CEO and Chairman of the Board of the Company and he told me to get the wiring instructions and that he would wire them the funds.

They (Rodger Clinton, Dickey Morton and Senator George Locke) gave me the instructions [redacted] bank [redacted] CEO who wired the funds into the account and sent me a copy of the wire verification. The money was sent from [redacted] at the [redacted] in Dallas where the [redacted] accounts were kept (I was never a signatory on this or any [redacted] accounts).

2

MAY-01-01 10:51 [redacted]

[redacted]

The next day I delivered the proof of funds delivery to them and they told me that within three months we would have the diplomatic passports that we wanted. They also said that Lin had paid them in full for his pardon and even though he had gone to prison by this time and was very impatient to get his pardon) it was assured Lin's pardon would be gotten for Lin, but that it would come toward the end of Bill Clinton's term as President. I told them I hoped that Lin would get it, but was not sure that Bill Clinton would last long enough to issue a pardon (he was set to be impeached at that time). Dickey in front of Rodger Clinton and Senator George Locke said "even if Bill Clinton has to do it on his way out of the White House it will come and you can take that to the bank". Then Rodger Clinton said that he could control Al Gore as well and that business would be as usual if Bill was gone. I said bullshit to that. I also told them to deliver their own messages to Lin or Guy his brother that I had nothing to do with Lin's pardon and that all hell would break loose if they did not deliver the pardon to Lin. They said at that time that Lin had better keep quiet or something could happen to him in the jailhouse if he said anything. I took this as a very real threat, as many have died in Arkansas that have crossed certain politicians or their teams.

The next time I saw Dickey Morton he came to Dallas with Senator George Locke to meet [redacted] I went with [redacted] meet them at the same hotel in Dallas where I first met the Senator and Rodger Clinton. [redacted] met with them and discussed business with them. I was not present during the meeting. After the meeting Dickey Morton and Senator George Locke were meeting with Guy Lensecum about something that I had no knowledge of but before they met Guy they told me that Lin's pardon was issued and ready to be delivered. They never mentioned the passports that we had paid for only to say that they were still in the works.

After this meeting communications between their group and me cease and I could never get Dickey to answer his phone or return calls I left on his message machine. I considered that we had been defrauded without recourse so I dropped efforts in trying to contact any of them.

Time passed and I was trying to find records for my income tax so that the accountant could file some tax forms for me and some of the companies that I used. I came across a file that contained the receipts on the $30,000 that I paid Dickey Morton, Rodger Clinton and Senator George Locke, [redacted] for Rodger Clinton and the Hotel in Dallas for the three of them, plus the hotel receipts for the three in [redacted] and a copy of the wiring instructions given to me by Dickey Morton for CLM, and the conformation of funds wired to [redacted] from the [redacted] in Dallas, the fax of instructions sent me by Dickey Morton for the tickets for Rodger Clinton and $30,000 in cash, a copy of the W2 that was issued to Dickey Morton for the $30,000 in cash and other important documents pertaining to these events.

I called [redacted] which is in [redacted] offices and told them that I had a very sensitive file proving that Rodger Clinton, Dickey Morton and Senator George Locke were selling pardons and influence, and that I was going to place it in the fireproof file cabinet located in my office, in the top drawer in the [redacted] and the drawer. They all witnessed me placing it in there; I closed and lock the cabinet, and took the only key to the cabinet with me. I put the key on my key ring and no one else had another key to the file cabinet. I was standing by my computer, which was next to this cabinet; this computer had been seized by the Secret Service, held for a long period of time and then returned to me. This computer must have been bugged. For that very night or the next night party or parties came into the building, bypassing the security system, went through three locked doors, opened the locked file cabinet and took only that single file! When the accountant came by to get the copy of the W2 I discovered that the file had been taken, which was three days after I placed the information in the locked file cabinet. This all happened while Bill Clinton was still President and before the nominations for a new President.

After the Secret Service took everything out of my offices in Van Alstyne, Texas (while I was on vacation), after that, the Secret Service told me that they had taken everything out of my offices and that they were not looking to charge anybody with anything and that they would return all of my things to me. That was the beginning of the lies that the Secret Service has told me. The Secret Service and the F. B. I. Sent word to my attorney that they wanted to talk to me. It was clear that they were trying to trump up something on me. I only realized what for later.

The Secret Service has dogged me starting when the file was taken. The agent for the F. B. I. was hostile and belligerent, yelling at me when the attempted to question me concerning things that I don't know or that I am not

3

[redacted]

sure of. I ceased to talk to them and have not since that day. They (the Secret Service and F. B. I.) were put on notice by several of my attorneys and told them to talk to my attorneys if they need to say anything or to get anything or under no circumstance to talk directly to me, or contact me without going through my attorney.

Suddenly when things began to heat up with the press concerning Rodger Clinton, Dickey Morton and Senator George Locke an agent of the Secret Service, disregarding the notice of my attorney [redacted] and asked for me. When he was told that I was not there he ask to speak to [redacted]. He told [redacted] that I should take a deal and plead to lesser charges and get off with no jail time concerning some fabricated thing that they told him that they had on me. However after furnishing [redacted] and copies of documents and names of eyewitnesses that proved that the agent was untruthful with him concerning these matters [redacted] putting him on notice that he knew that he had lied to him about me and considering the fact that no agent can offer any arrangement outside of a U. S. Attorney's office the agent made a fraudulent offer to induce me to submit to them and to silence me.

When I was served the papers to appear in front of the Grand Jury as a witness in New York the F. B. I. Agents who came to serve me the papers made spectacle of themselves and the agency. I think that the F. B. I. may be in collusion with the Secret Service to prevent my testimony in New York. The man agent that came threatened a violent entry [redacted] refused to sign in the register, would not give his name or to show his [redacted] This agent is the same belligerent agent who tried to question me with the Secret Service before and he threatened me with the Secret Service.

The Lady F. B. I. agent (who was polite and was not out of line) served me with the papers, which I thanked her for and was polite with her as well. [redacted] The man agent was so hostile and threatening that the office filed written a complaint to various U. S. Senators and the F. B. I. Office of Professional Responsibility the next day.

I will cooperate with the U. S. Attorney in New York, however since I feel that my life is in danger and that the Secret Service and the F. B. I. will retaliated and try to ruin me if I testify, I want full immunity as to any federal prosecution and the option to call on federal marshals for protection should any threat or actions be taken against me or my family.

At this time Tom Brokaw, The L. A. Times, the Chicago Tribune, and many other publications are calling me and trying everything that they can to get me to tell my story to them. I have not talked to them and do not intend to until I find out what is going to happen and the wishes of the U. S. Attorney.

4

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 1, 2001

Mark Hampton, Esq.
Hampton, Larkowski & Benca
308 South Louisiana
Little Rock, Arkansas 72201

Dear Mr. Hampton:

I am writing to follow up on our telephone conversation of yesterday. As I indicated in that conversation, neither you nor your client, Dickey Morton, are required to personally appear at the Committee offices to produce documents in response to the Committee's subpoena of April 25, 2001. Production of the responsive records by mail will satisfy the April 25 subpoena. Please contact me at (202) 225-5074 if you have any further questions about this matter.

Very truly yours,

David A. Kass
Deputy Chief Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 1, 2001

His Excellency
Ehud Barak
c/o Israel Labour Party
110 Ha'yarkon Street
Tel Aviv 61032
Israel

Dear Mr. Barak:

On March 8, 2001, I sent you a letter asking several questions about former President Clinton's pardons of Marc Rich and Pincus Green. Our records show that the letter was delivered to the Labour Party offices in Tel Aviv. However, when Committee staff contacted individuals at the Labour Party, they were unable to say if it had been delivered to you. I am writing this letter to make sure that you received my earlier letter and had a chance to answer my questions.

Since I have not yet received your response, I am enclosing the original letter and respectfully request that you consider answering the questions. Thank you for your time. Your response will greatly assist the Committee in our efforts to clarify several matters related to the pardon of Marc Rich.

Respectfully,

Dan Burton
Chairman

Attachment (2 pages)

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 2, 2001

Gary Stern, Esq.
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Stern:

I am writing with respect to the Committee's March 8, 2001, request for "[a]ll Ushers' Logs for the White House residence for January 1, 2001, through January 20, 2001." NARA Associate General Counsel Amy Krupsky has informed me that former President Clinton's representative, Bruce Lindsey, has raised a concern that some of the information in the Ushers' Logs is of a private nature, and has asked that the Committee narrow its request to certain individuals. In an attempt to accommodate the concern raised by Mr. Lindsey, I am providing the following request, which should significantly narrow the original request of March 8.

Please provide Ushers' Log records for the following individuals for the period January 1, 2001, through January 20, 2001:

1. Roger Clinton;
2. Cheryl Mills;
3. Jack Quinn;
4. Hugh Rodham;
5. Tony Rodham; and
6. Harry Thomason.

Please contact me at (202) 225-5074 if you have any questions about this matter.

Very truly yours,

David A. Kass
Deputy Chief Counsel

cc: Michael Yeager, Minority Senior Oversight Counsel

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
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E-mail: streetmeeks@arkansas.net

May 2, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Committee on Governmental Reform
Subpoena Duces Tecum

Dear Mr. Foster:

This is in response to your April 30th letter inquiring about the status of furnishing the information requested in the second subpoena. The bank only has one employee to work on this project and she can only work on it part-time.

I understand that most of the records have been copied and we should be able to furnish them to you by May 11th.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
First National Bank of Crossett
cc: Mrs. Elaine Bays

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LITTLE ROCK, ARKANSAS 72201
(501) 376-6277
(501) 376-6279 (facsimile)

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PATRICK J. BENCA., P.A.
BRYAN P. CHRISTIAN +
* Licensed to practice in Arkansas and Illinois
+ Licensed to practice in Arkansas and Texas
- Licensed to practice in Texas only

MARIETTA ALPHIN
Office Administrator

OF COUNSEL
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(214) 351-4333

CONWAY OFFICE
809 Parkway, Suite 101
Conway, Arkansas 72032
(501) 932-0060
(501) 932-0062 (facsimile)

May 3, 2001

David A. Kass
House Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: George Locke Subpoena

Dear David:

Enclosed please find a copy of an Affidavit Response to Subpoena *Duces* Tecum to George Locke.

If I can be of further assistance, please feel free to contact me.

Sincerely,

Marietta Alphin

Marietta Alphin
Office Administrator

Enclosure

RECEIVED
MAY 09 2001
HOUSE COMMITTEE ON
GOVERNMENT REFORM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT RESPONSE FOR SUBPOENA *DUCES TECUM*
TO GEORGE LOCKE

I, George Locke, state upon oath and affirmation the following to be true and correct to the best of my knowledge.

In response to the subpoena *duces* tecum directing myself to produce all records and/or documents in connection with the following items and individuals;

1) Applications for pardons/communications, and/or executive clemency.
2) Roger Clinton.
3) Dickey Morton.
4) Richard Cayce.
5) Garland Lincecum
6) Guy Lincecum
7) Harvey Greenwald
8) Rod Osborne
9) James McCaskill.

I have no records, which are responsive to this subpoena.

FURTHER THE AFFIANT SAYETH NOT.

George Locke
GEORGE LOCKE

Subscribed and sworn to before me on this 1st day of May, 2001

My Commission Expires:
2/02/2007

DARLA HECKE HALL NOTARY PUBLIC COM. EXP. 2-2-07 GARLAND COUNTY, ARK.

Darla Hecke Hall
NOTARY PUBLIC

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 3, 2001

Bank of America
Subpoena Processing Unit #5473
Mail Code CA9-705-05-19
P.O. Box 3609
Los Angeles CA 90051

To Whom It May Concern:

I am writing to request that the Bank of America produce all records related to the following items pursuant to the subpoena issued by the Committee on Government Reform on April 17, 2001. These items have been identified after reviewing the statements for accounts [redacted] and [redacted], belonging to Odgie Music and Roger C. Clinton, which were produced to the Committee on May 2, 2001.

02/18/98	deposit	$1,500.00
02/20/98	deposit	$2,500.00
02/24/98	deposit	$3,000.00
03/05/98	deposit	$3,000.00
03/11/98	check #2339	$1,400.00
03/31/98	deposit	$7,500.00
04/02/98	deposit	$5,014.10
04/06/98	check	$3,000.00
04/06/98	check #2362	$1,909.66
04/14/98	deposit	$1,000.00
04/14/98	deposit	$25,000.00
04/20/98	deposit returned	$25,000.00
04/21/98	deposit	$10,000.00
04/23/98	deposit	$1,400.00
04/30/98	check #2377	$1,000.00
05/01/98	check	$1,500.00
05/11/98	check #2389	$6,295.47
06/05/98	deposit	$2,700.00
07/21/98	deposit	$6,500.00
07/29/98	deposit	$1,250.00
08/05/98	check #2413	$2,700.00

08/07/98	deposit	$5,000.00
08/10/98	transfer	$3,500.00
08/19/98	deposit	$4,000.00
08/25/98	deposit	$1,343.73
08/25/98	deposit	$4,500.00
09/04/98	deposit	$3,500.00
09/04/98	int'l transfer ref. Mta24701220	$5,000.00
09/08/98	check #2440	$5,000.00
09/16/98	deposit	$1,200.00
09/16/98	transfer ref. Mta25995288	$5,000.00
09/28/98	check #2457	$2,000.00
10/02/98	check	$3,000.00
10/09/98	deposit	$10,000.00
10/19/98	check	$1,500.00
10/21/98	check	$1,500.00
10/21/98	check #2470	$1,500.00
11/04/98	check	$1,600.00
11/12/98	deposit	$1,365.69
11/25/98	deposit	$5,000.00
12/01/98	deposit	$10,000.00
12/01/98	check #2484	$500.00
12/02/98	deposit	$5,000.00
12/03/98	check #2509	$10,000.00
12/07/98	check #2502	$1,346.36
12/08/98	deposit	$15,500.00
12/10/98	check #2498	$500.00
12/14/98	check #2520	$500.00
12/14/98	check #2521	$2,325.00
12/15/98	deposit	$130,000.00
12/15/98	check #2504	$400.00
12/18/98	check #2527	$14,500.00
12/28/98	check #2529	$1,798.78
01/05/99	deposit	$10,248.00
01/07/99	check #2530	$3,696.04
01/07/99	check #2534	$5,533.82
01/11/99	check #2545	$6,000.00
01/13/99	check #2542	$2,438.76
01/13/99	check #2544	$2,000.00
01/13/99	check #2546	$1,000.00
01/13/99	check #2550	$12,587.50
01/19/99	check #2551	$1,703.61
01/25/99	check #2554	$4,962.93
02/01/99	check	$3,000.00
02/22/99	int'l transfer ref. Mta05324581	$12,482.00
02/22/99	check #2565	$1,824.08
02/25/99	check #2564	$500.00

02/26/99	transfer ref. Mta05738491	$9,973.20
03/01/99	check #2569	$2,483.15
03/02/99	deposit	$9,973.20
03/02/99	check #2568	$9,899.50
03/04/99	deposit	$9,700.00
03/04/99	check #456306565	$2,500.00
03/10/99	check #2570	$3,750.00
03/12/99	check #2573	$5,658.14
03/23/99	transfer ref. Mta08220624	$6,500.00
04/05/99	transfer ref. Mta09510718	$6,000.00
04/15/99	deposit	$23,000.00
04/19/99	check #2592	$3,968.57
04/23/99	check #2593	$3,000.00
04/26/99	check #2594	$20,000.00
04/26/99	check #2598	$5,551.83
05/04/99	deposit	$10,000.00
05/06/99	check #2602	$15,740.00
05/07/99	deposit	$2,500.00
06/04/99	deposit	$4,000.00
06/21/99	check #2591	$6,500.00
06/22/99	deposit	$5,000.00
06/22/99	check #2622	$3,121.80
06/28/99	deposit	$9,000.00
06/28/99	check #2623	$1,805.68
07/12/99	deposit	$25,000.00
07/12/99	check #2629	$5,000.00
08/26/99	deposit	$20,000.00
08/26/99	check #2649	$3,486.49
08/27/99	check	$5,000.00
09/01/99	check #2650	$3,000.00
09/01/99	deposit	$20,000.00
09/16/99	check #2651	$3,000.00
09/27/99	check #2670	$3,500.00
09/30/99	deposit	$50,000.00
10/01/99	check	$25,000.00
10/04/99	check	$5,000.00
10/04/99	check #2673	$4,249.26
10/25/99	transfer #991025-034484	$100,000.00
10/27/99	check	$115,703.42
11/15/99	deposit	$15,000.00
11/30/99	deposit	$100,000.00
12/01/99	check #2696	$5,000.00
12/07/99	deposit	$50,000.00
12/08/99	check #2709	$15,000.00
12/09/99	check	$10,000.00
12/09/99	check #2694	$5,000.00

12/09/99	check #2701	$10,000.00
12/10/99	check #2693	$4,000.00
12/10/99	check #2695	$5,000.00
12/13/99	check #2697	$5,000.00
12/13/99	check #2710	$5,000.00
12/15/99	deposit	$15,000.00
12/15/99	deposit	$70,000.00
12/20/99	check	$50,000.00
12/21/99	deposit	$7,100.00
12/27/99	check	$2,500.00
12/27/99	check #2721	$5,000.00
12/27/99	check #2723	$9,500.00
12/27/99	check #2727	$5,000.00
12/29/99	check #2726	$20,000.00
12/31/99	check #2728	$11,817.27
01/05/00	check	$50,000.00
01/24/00	check #2735	$5,000.00
01/27/00	check	$4,500.00
02/01/00	check #2747	$4,713.29
02/08/00	check	$4,000.00
02/22/00	deposit #9978	$1,250.00
02/24/00	check	$6,000.00
02/28/00	check #2756	$1,529.23
03/27/00	check #2764	$1,225.45
04/17/00	deposit	$18,000.00
04/20/00	transfer #000420-017568	$7,980.90
04/24/00	check #2767	$45,544.00
05/11/00	check #2779	$4,104.11
05/17/00	deposit	$4,700.00
06/05/00	deposit	$3,500.00
06/16/00	check #2797	$3,502.34
06/26/00	deposit	$5,000.00
07/31/00	check #2806	$4,104.11
08/08/00	check #2818	$4,104.11
08/28/00	deposit	$10,000.00
09/11/00	check #2829	$3,069.98
09/27/00	deposit	$9,000.00
09/27/00	check	$4,000.00
10/30/00	deposit	$10,000.00
11/06/00	check #2847	$3,360.56
11/21/00	deposit	$1,200.00
11/30/00	deposit	$10,000.00
11/30/00	check	$4,000.00
12/04/00	check #2863	$1,200.00
12/06/00	deposit	$16,000.00
12/07/00	check	$3,000.00

12/08/00	check #2865	$3,800.00
12/14/00	deposit	$7,159.84
12/14/00	check	$2,000.00
12/15/00	deposit	$1,500.00
12/15/00	check #2869	$5,000.00
12/26/00	transfer #001226-034989	$18,000.00
01/03/01	check #2876	$8,062.34
01/17/01	deposit	$9,000.00
01/19/01	check #2883	$1,050.00
01/26/01	check #2886	$3,585.47
01/30/01	check #2882	$1,200.00
02/13/01	deposit	$12,600.00
02/20/01	transfer #010220-039234	$10,000.00
02/26/01	deposit	$10,000.00
02/27/01	check #2894	$3,821.05
03/06/01	deposited item returned	$10,000.00
03/08/01	deposit	$10,000.00
03/23/01	transfer #010323-035253	$15,000.00
03/26/01	check	$15,000.00

Please produce these records as soon as possible, and if necessary, on a rolling basis. Please contact me or the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074 if you have any questions about his matter.

Sincerely,

Jason A. Foster
Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 4, 2001

Professor Yaakov Neeman
Herzog, Fox & Neeman
Asia House, 4 Weizmann Street
64 239 Tel-Aviv, Israel

Dear Professor Neeman:

Thank you for speaking with me over the phone. As we discussed, I am sending you this letter to inquire about your November 29, 2000, letter to President Clinton on behalf of Marc Rich. Please answer in writing the following questions:

(1) Please describe your relationship to Marc Rich.

(2) Who contacted you to ask that you write the letter?

(3) What did the person(s) who contacted you on behalf of Marc Rich tell you the purpose of the letter would be?

(4) Did the person(s) who contacted you on behalf of Marc Rich provide you with a model letter or language as an example for your letter?

(5) Did Marc Rich or anyone associated with Marc Rich offer money or anything else of value to you or any organization you are involved with? If so, did you or the organization accept it? If so, when? If so, how much was offered and/or accepted?

(6) Did Marc Rich or anyone associated with Marc Rich ever make a contribution or offer to make a contribution to any political campaign you were affiliated with? If so, how much? If so, when? If so, for what candidate?

The answers should be faxed to (202) 225-5127 and mailed to the above address. Thank you for your cooperation. Your answers will help the Committee clarify several issues related to the pardon of Marc Rich.

Sincerely,

M. Scott Billingsley

M. Scott Billingsley
Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 7, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

On April 4, 2001, the Committee issued a subpoena to your client, the First National Bank of Crossett ("the Bank") with a return date of April 11, 2001. It has been nearly four weeks since the subpoena's due date and more than two weeks since the date by which you initially projected the Bank would begin producing records. One week ago, I wrote you to inquire about the Bank's plans to comply with the subpoena. I have yet to receive a reply, a production, or any communication indicating when the Bank might begin producing records.

As soon as possible, please provide an assessment of when the Bank will begin producing records. If you fail to respond, the Committee will consider appropriate action to enforce its subpoena. If you have any questions, please contact me or the Committee's Deputy Chief Counsel, David Kass at (202) 225-5074.

Sincerely,

Jason Foster

Jason A. Foster
Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 7, 2001

Bill Roberts, Esq.
Roberts Law Firm
16250 Dallas Pkwy, #200
Dallas, TX 75248-2683

Dear Mr. Roberts:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into offers to obtain grants of executive clemency from former President Clinton. In connection with that investigation, I write to request that your client, Nick Rizos, participate in a brief telephone interview regarding this matter during the week of May 7, 2001.

When I called this morning to discuss this matter, your secretary informed me that you were preparing for trial, and were unable to schedule an interview. However, I would appreciate it if you could find the time in the near future to return my call and schedule an interview with Mr. Rizos. Please contact me or the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074, to make the arrangements as soon as possible. Thank you for your cooperation.

Sincerely,

Jason A. Foster
Counsel

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

May 7, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Committee on Governmental Reform
Subpoena Duces Tecum

Dear Mr. Foster:

This letter has reference to the second subpoena issued by your Committee.

In talking with Elaine Bays, Vice President for Operations at First National Bank of Crossett, she indicates that all of the items requested in the second subpoena have been copied except for 143 items that cleared from other banks through the daily cash letter. Looking for those items is like looking for a needle in a hay stack. The matter is further complicated by the fact that two of the bank employees in this department left today for an out-of-state seminar which creates substantial production problems for the bank.

Presently, if we keep the $499.00 limitation, Ms. Bays estimates that we will not be able to conclude this matter before some time in early to mid-June. On the other hand, if you would consider limiting the search to items in excess of $1,000.00, this would perhaps reduce the amount of time needed to complete the project.

We will anxiously await your response.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
First National Bank of Crossett
cc: Mrs. Elaine Bays

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STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

May 8, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
United States Congress
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Mr. David Kass, Deputy Chief Counsel
Committee on Government Reform
United States Congress
2057 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Congressional Subpoena for First National Bank of Crossett Records

Gentlemen:

This will acknowledge receipt of the fax letter from Jason A. Foster to me dated May 7, 2001, which I received at approximately 4:12 p.m. on May 7, 2001.

First, I highly resent the threatening nature of Mr. Foster's letter as I indicated on Mr. Kass' voice mail shortly after I received the letter.

Secondly, you are the only attorneys from whom I have ever received a fax that did not include your return fax number. Accordingly, I cannot send a fax to you. Instead, my correspondence to you is by regular mail as this letter is being sent.

Thirdly, although Mr. Foster left a telephone number (202) 225-5074 for me to call Mr. Kass, I did attempt to call Mr. Kass this one time at that number. However, I do not intend, in the future, to call him because that is not a toll free number and you have indicated that you do not intend to reimburse me for my expenses incurred in assisting in the production of the requested documents. If you want to talk to me, you can call me at my office number listed above. Otherwise, I intend to correspond with you by regular unless you furnish me with [illegible]

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GOVERNMENT REFORM

number. On the other hand, if your Committee is willing to pay for my time and out-of-pocket expenses incurred in assisting in the production of these documents, I will be happy to call you at your non-toll free number and include that telephone expense in my statement to the Committee.

I have not received acknowledgment from Mr. Foster of receipt of our statement that I sent to Mr. Foster earlier for presentment to the Committee. I would appreciate your acknowledging receipt of the statement and advice concerning how the statement is being presented for payment.

Finally, in response to the last paragraph of Mr. Foster's May 7, 2001 letter, I have already written you and explained to you why there is a delay in completing the copying of these records. That letter was mailed to you on May 7, 2001. I assume that complies with the threat contained in the second sentence of the last paragraph of Mr. Foster's May 7th letter.

Have you ever heard of former Senator Joseph McCarthy? It is certainly true that absolute power corrupts absolutely.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
First National Bank of Crossett

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Wm. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 8, 2001

John Burkhalter
30 Chenal Circle
Little Rock, AR 72223

Dear Mr. Burkhalter:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into offers to obtain grants of executive clemency from former President Clinton. In connection with that investigation, I write to request that you participate in a brief telephone interview.

After leaving several messages at your home number, I have received no reply. I would appreciate it if you could find the time in the near future to return my call. Please contact me or the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074 as soon as possible. Thank you for your cooperation.

Sincerely,

Jason A. Foster
Counsel

05/10/01 14:44 FAX 213 687 3702 MUNGER TOLLES & OLSON

MUNGER, TOLLES & OLSON LLP
355 SOUTH GRAND AVENUE
THIRTY-FIFTH FLOOR
LOS ANGELES, CALIFORNIA 90071-1560
TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

33 NEW MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94105-9781
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

May 10, 2001

WRITER'S DIRECT LINE:
(213) 683-9295
williamsbh@mto.com

Via Fax and U.S. Mail

James C. Wilson, Esq.
Chief Counsel
Congressional Committee on
Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Roger C. Clinton

Dear Mr. Wilson:

I am writing to inform you that I neglected to list in my letter to you dated April 10, 2001 a personal banking account to which Mr. Clinton has access. In addition to the accounts disclosed in that correspondence [which accounts are held at Bank of America, 43591 Mission Blvd., Fremont California: #[redacted](ODGIE Music); and #[redacted](Roger C. Clinton)], Mr. Clinton and his wife, Molly, have a personal checking account at the Bank of America branch located in Redondo Beach, California. The account number is #[redacted].

Very truly yours,

Bart H. Williams

BHW:tv

[734126.1]

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House of Representatives

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 11, 2001

Bart Williams, Esq.
Munger, Tolles & Olson
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071

Dear Mr. Williams:

I am writing in response to your letters of April 10 and May 10, 2001. In those letters, you listed various bank accounts held by your client, Roger Clinton. You listed one account held by Mr. Clinton as #[redacted] (Roger C. Clinton). However, based on our records, it appears that you may have been referring to account #[redacted], which is a Roger Clinton/Odgie Music savings account. Please indicate whether your reference to account #[redacted] was a typographical error or was intentional.

Very truly yours,

David A. Kass
Deputy Chief Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 11, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

I am writing with regard to the Committee's April 6, 2001, request for DEA records on Carlos and Horacio Vignali. When producing records responsive to that request, please do not redact any information relating to George Torres.

If you have any questions about this matter, please have your staff contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-2213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

May 11, 2001

Mr. Jason A. Foster, Counsel
Committee on Government Reform
United States Congress
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Congressional Subpoena for First National Bank of Crossett Records

Dear Mr. Foster:

This acknowledges receipt of your May 7, 2001 letter which I received on May 11, 2001. A copy of your letter is attached.

My files indicate that I wrote on May 2, 2001, May 7, 2001, and May 8, 2001 and in all of those letters, I explained to you the problems related to copying the balance of the requested records. You have not acknowledged or indicated that you have received any of those letters from me. All of them were addressed to you at the address indicated on your correspondence to me.

If you have not received those letters from me, please advise and I will forward copies to you.

I can assure you if the Committee on Government Reform (what an oxymora) takes any type of punitive action against me or the bank, I will do everything ~~within my legal right~~ to see that someone pays for it, including you.

Thomas S. Streetman

TSS/ad
cc: Honorable Blanche Lincoln
United States Senate
cc: Mr. Edward L. Holt, President
First National Bank of Crossett
cc: Honorable Mike Ross

RECEIVED
MAY 17 2001
HOUSE COMMITTEE ON
GOVERNMENT REFORM

אהוד ברק
Ehud Barak

May 13, 2001

Chairman Dan Burton
Committee on Government Reform
2157 Rayburn House Office Building
Congress of The US
House of Representatives
Washington ,DC 20515-6143
USA

Dear chairman Burton

Attached hereby is my response to your letter of march 8 ,2001 :

Few months ago I was approached by the chairman of the Rich Foundation in Israel. The chairman, Mr. Azoulay is a man I know for many years, who had contributed a lot to the security of the State of Israel.
The Rich Foundation is well known and highly appreciated in Israel for its philanthropic activities in the fields of healthcare , education and culture.

Mr. Azoulay asked me to raise Mr. Rich case with President Clinton.
I raised the subject with President Clinton several times (probably three) in the course of routine telephone conversations during the last two or three months of his presidency and made a personal recommendation to him to consider the case.

Respectfully yours

E. Barak

Ehud Barak

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INDEPENDENT

May 14, 2001

Cynthia S. Goosen, Esq.
Cooper & Scully, P.C.
200 North Travis Street, Suite 500
Sherman, Texas 75091

Dear Ms. Goosen:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is investigating a number of grants of clemency, and offers to obtain grants of clemency. It has come to the Committee's attention that you and your client, Blume Loe, may have had contacts with Roger Clinton regarding an attempt to obtain a grant of clemency from President Clinton.

I would like to ask you and Mr. Loe to participate in interviews with Committee staff regarding this matter. I am aware that you left a voicemail message with me on May 9 indicating that you could not discuss any matters about Mr. Loe because of attorney-client privilege. I believe that you would be able to discuss a number of matters relating to Mr. Loe, including your contacts, if any, with Roger Clinton, without violating the attorney-client privilege. Your cooperation with the Committee would be greatly appreciated.

Please contact me at (202) 225-5074 to discuss this matter further.

Very truly yours,

David A. Kass
Deputy Chief Counsel

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INDEPENDENT

May 14, 2001

Mr. Fernando Fernández-Tapias
President
Association of Spanish Business Enterprises
Madrid, Spain

Dear Mr. Fernández-Tapias:

I spoke with your assistant over the phone today. As I discussed with her (in Spanish), I am faxing this letter to you to inquire about your November 29, 2000, letter to President Clinton on behalf of Marc Rich. Please answer in writing the following questions:

(1) Please describe your organization's relationship to Marc Rich.

(2) Who contacted your organization to ask that you write the letter?

(3) What did the person(s) who contacted your organization on behalf of Marc Rich tell you the purpose of the letter would be? Did you know that your letter would be used in an attempt to win a pardon for Mr. Rich?

(4) Did the person(s) who contacted your organization on behalf of Marc Rich provide you with a model letter or language as an example for your letter?

(5) Who in the Association of Spanish Business Enterprises was involved in the decision to write the letter?

(6) What did your organization know about Marc Rich's legal case in the United States?

(7) Has Marc Rich or anyone associated with Marc Rich ever offered money or anything else of value to you or your organization? If so, what was offered? If so, did you or your organization accept it? If so, when?

The answers should be faxed to (202) 225-5127 and mailed to the above address. Thank you for your prompt response that will help the Committee in its investigation.

Sincerely,

M. Scott Billingsley

M. Scott Billingsley
Counsel

MUNGER, TOLLES & OLSON LLP

355 SOUTH GRAND AVENUE
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TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

33 NEW MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94105-9781
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

May 14, 2001

WRITER'S DIRECT LINE
(213) 683-9295
williamsbh@mto.com

Via Fax and U.S. Mail

David A. Kass, Esq.
Deputy Chief Counsel
Congressional Committee on
Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Roger C. Clinton

Dear Mr. Kass:

I write to confirm what I told you during our phone call today; namely, that I did indeed intend to refer to account number [redacted] in my letter of April 10, 2001. As you surmised, the error was strictly typographical. Please accept my apologies for any inconvenience or confusion.

Very truly yours,

Bart H. Williams

BHW:tv

[735144.1]

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ROBIN L. ROBB, DC, MD & VA
WENDY H. SCHWARTZ, DC, MD, VA (PA INACTIVE)
MARCIA K. THOMPSON, VA OFFICE ONLY

May 14, 2001

VIA HAND DELIVERY

The Honorable Dan Burton, Chairman
Attention: David Kass
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Document Subpoena to Anthony Rodham

Dear Mr. Kass:

Per our conversation on Friday, May 11, 2001, I advised you that Tony Rodham declines your request to be interviewed by your committee.

Sincerely,

THE LEWIS LAW FIRM
A PROFESSIONAL CORPORATION

Wendy H. Schwartz

WHS/eaf
cc: Mr. Anthony Rodham

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 15, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

I have received your letters of May 7, and May 8, 2001. To date, however, I have not received any documents responsive to the Committee's second subpoena, despite your revised estimate that production would begin on May 11, 2001. Your letter of May 7, 2001, appears to indicate that you are delaying production of the monthly statements for the subpoenaed accounts while gathering all other responsive items. However, as I have informed you in our telephone conversations, the Committee has requested that you initially produce only monthly statements in response to the subpoena of April 4, 2001. From those statements we will then identify specific transactions for which we seek related documents. I have also made this request in writing on two other occasions: in my March 16, and April 30, 2001, letters.

Upon reviewing the statements, the Committee may or may not wish to obtain the underlying records for certain transactions. Accordingly, to ignore the request to first produce monthly statements causes your client to incur potentially unnecessary costs and causes delays in the production of responsive documents to the Committee. Therefore, I once again request that you produce the monthly statements for the accounts identified in the second subpoena as soon as possible. After you have produced the statements, we will identify further items we wish to receive.

With regard to the issues raised in your May 8, 2001, letter, I attempted to call you this morning, but you were unavailable, so I spoke to your secretary. I requested that copies of all future correspondence be faxed to (202) 225-5127. Please accept my apologies for any inconvenience caused by the omission of our fax number from our letterhead. I also informed your secretary that I will accept any collect phone calls from you at my direct line, which is (202) 225-3048. Also, please note that I attempted to contact you by phone on May 7, and May 8, 2001, but you did not take my call on either occasion.

I have received the bill you submitted dated April 17, 2001. The bill lists one reimbursable expense totaling $40.58 for Federal Express charges for documents produced to the Committee. It does not, however, list the number of pages produced or seek reimbursement for copying costs. If you wish to be reimbursed, please submit a bill itemizing the total number of pages produced for copying charges at a rate of $0.25 per page once production of all documents responsive to both subpoenas is complete.

If you have any questions, you may contact me at the number listed above.

Sincerely,

Jason A. Foster
Counsel

THE ROBERTS LAW FIRM
THE FAIRWAYS I
16250 DALLAS PARKWAY, SUITE 200
DALLAS, TEXAS 75248

(972) 661-1040
Fax: (972) 930-0999
bill@therobertslawfirm.com

May 15, 2001

Jason A. Foster
Committee on Government Reform
2157 Rayburn House Office Building
Washington D.C 20515

Re: Nick Rizos

Dear Mr. Foster:

I am in receipt of your letter of May 7, 2001.

I would like to know what topics you would like to discuss with my client. As I have previously informed you Mr. Rizos has no knowledge of any clemency granted by former President Clinton nor does he have any information regarding any clemency offers. Indeed I believe you may have confused my comments. I believe that you mentioned a name of one of the individuals in your investigation and I assumed that you were referencing our local police official, Chief Bolton. Mr. Rizos does have some very tangential contact with Chief Bolton but it is in no way related to executive clemency from former President Clinton.

The press of events may have overtaken your investigation. As I understand the situation, at least where the former president's brother is concerned, there is now a Grand Jury investigating this matter.

In any event, I am in trial starting on May 21, 2001 for one week, but will be available any time after May 25, 2001 to discuss this matter with you further. For your convenience, I can be reached by e-mail, by fax or by telephone.

Very truly yours,

William A. Roberts

WAR:cbb

cc: Mr. Nick Rizos

THE ROBERTS LAW FIRM
THE FAIRWAYS I
16250 DALLAS PARKWAY, SUITE 200
DALLAS, TEXAS 75248
(972) 661-1040
Fax: (972) 930-0999
bill@therobertslawfirm.com

May 16, 2001

Jason A. Foster
Committee on Government Reform
2157 Rayburn House Office Building
Washington D.C 20515

Re: Nick Rizos

Dear Mr. Foster:

Thank you for your quick response to my letter of May 15, 2001. I appreciate the professional manner in which you are handling this issue.

I have again spoken with Mr. Rizos and he has assured me that he has no knowledge of any pardon or any information relating to a pardon granted by former President Clinton. He has never met or spoken to Roger Clinton or anyone representing either former President Clinton or Roger Clinton. Nor has he ever been convicted of a crime.

If you need a more detailed explanation I will be happy to provide one.

I apologize for the rush, as I have previously expressed to you we are preparing for trial. However, I did want to pass along this information to you in writing, so that you can move forward to more profitable enterprises.

Very truly yours,

Bill

William A. Roberts

WAR:cbb

cc: Mr. Nick Rizos

* * * * * *

A Professional Corporation

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YAAKOV NEEMAN
TUVIA ERLICH
MEIR LINZEN
ALAN SACKS
YAACOV BRANDT
ISAAC HERZOG
EHUD SOL
ANER BERGER
JANET LEVY FAHIMA
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17 May, 2001

File No. 9999

M. Scott Billingsley
Counsel
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

By mail and by facsimile: 013 1 202 225 5127

Dear Mr. Billingsley,

Thank you for your letter dated May 4, 2001 enclosing six questions presented to me with regard to my letter dated November 29, 2001 to President Clinton on behalf of Mr. Marc Rich. My responses are according to the order in which you set them out.

1. I have been acquainted with Mr. Marc Rich for a period of over 22 years. During my tenure as Director-General of the Ministry of Finance (1979 – 1981), I was in contact with him together with the late Minister of Energy, Mr. Yitzhak Modai, regarding his major role in supplying energy to the State of Israel. Furthermore, I have observed his philanthropic contributions towards education, culture and social welfare in Israel and to Jewish communities in the Diaspora for many years.

2. Mr. Avner Azulay who is currently the managing director of the Marc Rich Foundation contacted me on behalf of Mr. Marc Rich and asked me whether I would be prepared to write the letter to President Clinton. I agreed to do so on the basis of my personal acquaintance with Mr. Marc Rich and his help towards the State of Israel and Jewish causes in the Diaspora. Please note that Mr. Azulay's office is located in the same office building as our office.

3. Mr. Azulay advised me that the purpose of the letter was to support a petition for a pardon from the President of the United States, Mr. Clinton. I was told by Mr. Azulay that other

persons in Israel who served in the past as public figures in Israel and in government agencies had agreed to write to President Clinton for the same purpose.

4. I wish to state unequivocably that neither Mr. Avner Azulay nor any other person provided me with a model letter or language as an example for my letter. I am conversant in English as a high school student in New York, and have a Master degree in Law and a degree of Doctor of Juridical Science from New York University.

5. I was not offered, directly or indirectly, any money or anything else of value to me or to any organization with which I am involved. I wrote the letter based on the facts that I know about Marc Rich's philanthropic contributions to many organizations in Israel and the Diaspora and his help to important causes of the State of Israel.

6. I am not a member of any political party and not affiliated with any political party. I am unaware of any contribution or offer to make a contribution to any political campaign by Marc Rich or anyone associated with him.

Sincerely yours,

Yaakov Neeman

Yaakov Neeman

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VIA FACSIMILE (202-225-3974)
SECOND DAY DELIVERY

May 18, 2001

David A. Kass
House Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Proffer Letter/Dickey Leville Morton and George Locke

Dear David:

Per our earlier agreement, I have prepared the following proffer on behalf of George Locke and Dickey Morton. Should your office determine that it desires to take testimony of my clients under an immunity agreement, then, I would anticipate that my clients would testify to the foregoing information. I anticipate that the information contained is not what your office is expecting. However, should you wish to discuss it further, please contact me at your earliest convenience. Thank you for your patience in allowing me to prepare this proffer.

Proffer

Background of the parties

In approximately 1980, the securities firm of Collins, Locke & Lassiter was formed in Little Rock, Arkansas. In approximately 1982, George Locke met Roger Clinton through certain social activities in the Little Rock area. By 1983, Dan Lassiter, a partner in Collins, Locke & Lassiter, had obtained a job for Roger Clinton on Dan Lassiter's thoroughbred farm in Okla, Florida. Roger Clinton continued his employment in Florida for approximately one year. In 1986 & 1987, Roger Clinton pled guilty to drug charges in federal court in connection with the indictments and convictions of Dan Lassiter and George Locke for similar offenses. Locke served approximately six (6) months of his sentence and was released on parole. Through the years, Roger Clinton and George Locke would meet on occasion at social events and remained acquaintances.

On the night of the reelection of Bill Clinton as president, a special party was held at the Excelsior Hotel for VIP guests. Roger Clinton invited George Locke to the party.

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During the course of the evening, Roger had a conversation with George Locke. Roger Clinton advised that during his brother's first term in office, (although he had been invited to numerous social gatherings as a result of being the president's brother) Roger had never "capitalized" on his relationship to the president. Further, Roger related that Bill Clinton had instructed him that since this was his last term in office, Roger should find a way to make a living and use his relationship with the President to his advantage. Bill Clinton had stressed to Roger that whatever business endeavors Roger was involved in, they must be legitimate concerns and not to find himself involved in any illegal activity. Shortly thereafter, (approximately during the same week) meetings occurred between Locke, Larry Wallace, a Little Rock lawyer and Roger Clinton wherein discussions of potential future business were developed. Shortly thereafter, a business opportunity arose wherein Larry Wallace had certain businessmen who desired to place a casino in the Greek Islands. Conversations occurred regarding the possibility of Roger Clinton assisting in someway in obtaining the proper permits and government authorizations for the casino in Greece. A later meeting occurred in New York between Locke, Roger Clinton, and Larry Wallace. However, no business was developed after the New York visit. Later, Morton and Locke began pursuing importation of construction materials from China and other countries. Roger Clinton wanted to become involved in the importation business. The company known as CLM, LLC was formed in August 1998, with ownership interest being 1/3 equally, between Locke, Morton and Roger Clinton.

Dickey Morton was a former All-American football player from the University of Arkansas who played professional football in both the NFL and Canadian leagues. After his retirement from professional football, Morton returned to the State of Arkansas. Dickey Morton had married Sandra Clark. Sandra Clark's father was a former business partner with George Locke in a construction business located in Hamburg, Arkansas. The marriage occurred in 1974. Since 1973, Dickey Morton knew George Locke through the relationship between the partners and the marriage. After the marriage and successful career in the NFL, Morton returned home and was involved in various business ventures including a wholesale liquor business and in the oil business in Texas. In 1984, Dickey Morton was employed in Little Rock with the securities firm of Britnam & Associates. At no time was Morton ever employed at the firm of Collins, Locke & Lassiter. Dickey Morton met Roger Clinton after Bill Clinton was elected for his second term in office. Through the years, (1985 – 1997) Dickey Morton and George Locke engaged in various business ventures. During the mid eighties, Dickey Morton came to know an individual by the name of Harry Casey, who ran a private investigative firm known as "Investigations International" out of Dallas, Texas. Subsequent to that meeting, Dickey Morton came to know Harry Casey's brother, Richard Casey. In approximately 1994, Richard Casey (hereinafter "Casey") approached Dickey Morton regarding becoming a consultant to a company that he was operating in Texas, Georgia and Tennessee. The company, in essence, was involved in water testing and treatment throughout the Southwest. Morton worked as a consultant on a contract basis for approximately six

months until the company filed for bankruptcy. In 1995, Richard Casey again approached Morton regarding forming a company known as R & D Consultants. Supposedly Richard Casey, Jr., the son of Richard Casey, organized the company and a division of shares was to occur with a 1/3 split of ownership in the company. The business purpose of R & D Consultants was consulting with other businesses. Save and except the patent involved in Natural Pac, Inc. (See Subpoena *Duces Tecum*) no business was ever conducted through R & D Consultants. Sometime in 1996 or 1997, Richard Casey formed Delta Trading, Inc. Morton had no stock ownership in the company. However, Morton was asked by Casey to disburse money on behalf of the company. To Morton's knowledge only Richard Casey, Sr. and E. M. Ratcliff had ownership in Delta Trading, Inc. The business purpose of Delta Trading was unknown to Morton, and to this date Morton does not know why Casey desired that Morton act as a disbursing agent on behalf of the company. (It appears, however, that Casey did not necessarily trust his fellow shareholder Ratcliff in the dispersal of money.)

Legacy Foundation, Casey and Lincecum

In August of 1998, Dickey Morton received a phone call from Richard Casey. In that conversation, Casey informed Morton that Casey was representing certain non-profit companies. Those entities were known as M & M Foundation and the Legacy Group. Discussions centered around Casey's involvement with "501C3" Foundations. Morton does not recall whether the other foundations of the Legacy Group were talked about in this conversation but Morton is aware that Casey had involvement with the M & M Foundation and ACF (American Christian Foundation). Casey asked whether Morton knew President Bill Clinton. Morton responded that he had met him a couple of times but was not personally acquainted with him. However, a business partner of his, George Locke, was a long time friend of Roger Clinton. Casey then inquired as to whether it would be possible to set up a meeting between Casey and Roger Clinton.

The purpose of this meeting was to interest Roger Clinton in becoming involved with the Legacy Foundation. Supposedly, this was a non-profit/tax exempt foundation. Casey said the Legacy Foundation had devised a plan whereby they would trade bonds with the federal treasury on a daily or weekly basis and the Legacy Foundation had an exclusive relationship with the federal treasury to trade in bonds with the United States government. The Legacy Foundation was operating covertly with the United States Government, but soon its activities would become public, thus, it would be an excellent time to get Clinton and Morton involved.

Morton indicated to Casey that it might be possible for Roger to appear at a meeting to discuss these matters further.

Subsequent to the conversation with Casey, Morton contacted Locke regarding a possible meeting with Roger Clinton. Previously, Locke had informed Morton that Roger had been "shafted" on past business ventures and personal appearances and that Roger would require an appearance fee. Locke again reminded this to Morton. Inquiry

was made between Locke and Clinton as to the amount of the appearance fee. Subsequently, it was agreed upon that Roger Clinton would receive $30,000,00 for his appearances with Casey in reviewing the Legacy Foundation venture. It was also understood between Roger Clinton, Dickey Morton and George Locke, that Roger desired Locke's presence at the meeting and that Locke should be compensated for his presence. Locke required that Morton be present at the meeting and that Morton receive a fee for his participation. Roger reconveyed to Locke that both Morton and Locke should be compensated for their time and efforts in this matter and it was left up to Morton and Locke to determine the fees to be paid for a meeting with Casey. Subsequently, Morton related to Casey that for Roger's appearance there would be a $100,000.00 appearance fee. Casey asked that a confirmation letter be sent to him spelling out the agreement. Casey stated that the letter must be written in code since the Legacy Foundation was at present, working covertly with the federal government. Casey told Morton not to mention money in the letter.

To my clients' best recollection, the meeting was set for August 12th in Dallas, Texas. Roger Clinton was scheduled to be in Dallas during that week and Morton and Locke met Casey at a restaurant near the airport (Love Field) to make sure that the appearance fees were ready to be paid. Casey brought $30,000.00 in cash. Locke contacted Clinton and assured him the money was present. Subsequently, that evening, Roger met with Locke and Morton and was prepared to meet with Casey the next day. At the meeting, Roger Clinton was paid $18,000.00 in United States currency, Locke received $5,000.00 and Morton received $7,000.00.

The next day the meeting occurred between Locke, Morton, Clinton, and Casey. During the meeting, Casey discussed the possibility of having Roger Clinton participate as a spokesperson on behalf of the Legacy Foundation and engage in a campaign to publicize and represent the "Legacy Foundation". The company would soon be going public. It was unclear to Locke, Morton, and Clinton as to the ultimate purpose and goal of the Legacy Foundation. There was discussion that the Legacy Foundation had a special agreement with the United States Government whereby the Legacy Foundation was actively trading in treasury bonds with the United States Government but the non-profit aspects of the Legacy Foundation were never really discussed.

Plans were made for a meeting at the Legacy Foundation headquarters in Las Vegas, Nevada. During the end of the conversation in Dallas, Casey asked Clinton, Morton, and Locke as to the possibility of obtaining executive clemency for himself and two other individuals. My clients cannot remember the names of the two other individuals. However, they are certain the name Lincecum was not used. Locke inquired as to what crimes the men had committed and Casey retorted that no one had committed crimes, and no one was charged with any crimes. The immediate question to Clinton, Morton, and Locke was why would executive clemency be needed since there was no criminal conduct involved nor any charged criminal acts of Casey or others? During that conversation, Clinton, Locke, and Morton laughed at the prospect of seeking executive

clemency for uncharged individuals. Neither Clinton, Locke, nor Morton ever intimated to Casey that they were in a position to acquire pardons for individuals and that was not the purpose of the meeting. Casey then asked if Roger was in a position to obtain an "Ambassador at Large" position with the United States Government. The necessity of this request, according to Casey, was that in his position with the Legacy Foundation he was required to move large sums of cash in and out of the boundaries of the United States and an Ambassador at Large would not have to go through Customs on these trips. (Morton mentioned to Locke after the meeting, how "stupid" it was for Casey to ask for an Ambassador at Large position if the Legacy Foundation was "in so tight" with the federal government in trading bonds with it on a daily basis.) During the course of this meeting and after the issue regarding executive clemency was brought up, Roger Clinton emphatically stated to Casey that he would continue to look into this deal but "I will not do anything that will embarrass my brother nor will I engage in any illegal activities and, before I agree to become a spokesperson, your foundation must go through a background check." Casey retorted that everyone involved in the Legacy Foundation were "squeaky clean" and everything would be "above board" and he would be in position at a subsequent meeting to establish to Roger Clinton the validity of the Legacy Foundation and its activities. At the end of this meeting, Casey was told that the $100,000.00 appearance fee would be charged for each subsequent meeting.

(On August 19th, Casey wired to the bank account of CLM, LLC., the balance of $70,000.00 for the remainder of the payment owed for the first Dallas meeting.)

A second trip occurs in approximately September of 1998. The venue of the meeting was Las Vegas and the parties were to meet at the former Howard Hughes Depository in Las Vegas. Arrangements were made for Morton, Locke, and Casey as well as other representatives of the Legacy Foundation to meet. Roger Clinton did not attend this first Las Vegas meeting. During the meeting in Vegas, more discussion occurred as to the purpose of the Legacy Foundation.

During the course of the September Vegas meeting, Casey began to tell a story of how the relationship between the Legacy Foundation was an approved "covert activity" in connection with the United States Government. However, the foundations' purpose was to benefit handicapped children and other non-profit organizations. He again spoke of a special relationship between the United States Treasury and the Legacy Foundation. The foundation would sell bonds to individuals with said bonds being fully backed by the United States Treasury with guaranteed money returns on the bonds after a certain period of time being purchased. The bonds were tax exempt which offered an additional incentive for these bonds to be purchased. This foundation was the first foundation to be offered this opportunity with the United States Government. There was a strong inference that "Wall Street" would not be aware of the program at this time. During this meeting, there were photographs shown of what Morton would describe as millions of dollars in cash being held in the Howard Hughes Depository. This was money received

from investors already associated with the Legacy Foundation. Treasury Bonds and other collateral were shown to Morton and Locke to establish the validity of the Legacy Foundation and the strong financial backing it had already obtained.

- No money was paid during the September 1998 meeting.

Another meeting was arranged following the September Las Vegas meeting. This meeting was to have Roger Clinton present along with Locke and Morton. This meeting occurs again in Las Vegas at the Howard Hughes Depository. The meeting occurs on or about October 11, 1998.

During the October meeting a significant number of people were present (between 6 & 15). During this meeting a video presentation was made. Roger Clinton was photographed with numerous individuals present during the meeting. Representatives of the other foundations, which Casey was associated with, were also present. (M & M Foundation and ACF Foundation. During this meeting, Roger Clinton was given several pieces of Elvis memorabilia and again the same "speech" was given by Casey regarding the purpose of the foundation, its goals, and its financial backing. Morton, Locke, and Clinton received keys to vaults in which money would be deposited in their names as payment for their work on behalf of the foundation. At the end of the meeting a written prospectus was given to Dickey Morton lining out the goals and purposes of the Legacy Foundation.

- This prospectus was later turned over to the SEC during an investigation of the Legacy Foundation. (See Response to Subpoena *Duces Tecum* marked as Bate-Stamp Number 000872 through 000878.)

- During the October meeting no money was paid to Morton, Locke, or Clinton.

During the course of this meeting, George Locke emphasized to Casey and the other representatives of how important SEC approval was in this type of venture. (Locke was aware that such an endeavor must have SEC approval and he informed Clinton that without SEC approval "red flags" should be immediately raised without the registration of these securities. Casey informed Locke that SEC approval was pending and that there would be no problem in receiving such an approval.

With the October meeting in Vegas there was a balance due from Casey of $200,000.00. Subsequent to the October Vegas meeting, phone calls occurred between Casey and Morton regarding payment of the past due amounts. Casey contacted Morton to arrange a meeting between Morton, Locke, and an employee (of Casey's or the Legacy Foundation) to receive payment for the previous meetings and to set up a another meeting. Clinton, Locke, and Morton were not prepared to meet a fourth time until payment was made. A meeting was arranged in the lobby of the Embassy Suites Hotel on Lover's Lane in Dallas, Texas. Casey advised Morton and Locke where and when to

meet. In the lobby, Morton and Locke met a man later known as Garland Lincecum wearing a cowboy hat and presenting a check in the amount of $600,000.00. There was a note on the check, which indicated that the check would be good in two (2) weeks.

It should be noted that this is the only meeting ever occurring between Locke, Morton, and Garland Lincecum. To my clients' knowledge, Roger Clinton has never met Garland Lincecum. During the Lover's Lane meeting, there was never any comment or request regarding presidential pardons.

The amount of $600,000.00 was chosen solely by Casey. Casey desired to pay the additional monies as an investment in CLM, LLC. Casey began calling weekly saying the check would be good soon. It was the feeling of Morton that the check was of no value and he did not attempt to cash the check. (Morton threw the check away a few months later.)

Another meeting occurred with Locke, Morton and Guy Lincecum. Morton and Locke had never met Guy Lincecum before. This meeting occurred outside the Bobbisox bar near the Little Rock Airport. Guy Lincecum flew to Little Rock dressed in a baseball cap. Casey had previously told Morton to meet at the airport and look for a man at the bar in an orange baseball cap and he would be bringing money to make the previous check good. No money was exchanged and the only comment that Guy Lincecum had to Locke and Morton was that "the checks' not good yet but we will try to make arrangements to make it good."

Subsequently, there were phone calls between Guy Lincecum and Dickey Morton with Guy Lincecum calling Morton asking if they would take payments on the check. By November 25th, Morton received a check in the amount of $100,000.00, which he deposited in the CLM, LLC account. That money was divided between the parties as follows: Roger received $25,000.00 out of the $100,000.00 check. The remaining monies were invested in a golf shoe venture with Locke and Morton. A third check was received from Casey to Morton deposited in the CLM account in the amount of a $100,000.00 on December 31, 1998. Neither Morton and Locke can remember the amount given to Roger but are certain the monies were paid to Roger from this check.

After the December 1998 payment, the next activity occurred in January 1999; Morton received a phone call from Guy Lincecum stating that Garland Lincecum was going to jail and requesting whether Roger Clinton could assist them in having Garland Lincecum moved to an institution close to his home so his mother could visit with him. Morton contacted Locke and informed Locke of the request. There was no action taken by Locke in the transfer of Garland to prison nor were there any efforts to contact Roger Clinton regarding this request.

Through the course of dealings with Casey, Casey became aware of Locke, Morton, and Roger's attempts to engage in the importation of certain construction products from China and Korea. Locke and Morton had attempted to import sheet rock, cement, steel, and wood products from China and other foreign countries. Roger Clinton had been involved in making contacts overseas to make arrangements for the importation of these goods. Morton determined Guy Lincecum was also in the construction business. From January 1999 through March of 2000, there were attempts by Guy Lincecum to participate in the importation of these products and attempts by Guy Lincecum to initiate the resale of these goods to construction companies in the Texas area. During these conversations, Morton learned that Guy Lincecum had an associate known as R. D. Wilson. Wilson reportedly was in the construction business (employee of Jim McClain) in an around Dallas, Texas. Additionally, during this time period, Guy Lincecum asked Morton if he would interview a Rod Osborn from Dallas, Texas regarding the possibility employment of Osborn as a sales representative for American Gypsum & Cement Inc. Subsequently, Rod Osborn was interviewed by Morton and a contract was prepared to have Osborn act as a sales representative on behalf of American Gypsum & Cement, Inc.

- In April of 1999, the SEC contacted Morton regarding Lincecum and Casey. In response, Morton provided the prospectus (referenced above) and conducted an interview by telephone with an SEC agent regarding his knowledge of Lincecum and Casey.

In March of 2000, a meeting was established between Guy Lincecum, Morton, and Locke. The purpose of the meeting was for Lincecum to introduce Morton and Locke to Jim McCaskill. Morton and Locke learned that McCaskill had recently been released from a prison in Oklahoma and Guy Lincecum asked Morton and Locke to employ him as a sales representative for any building material sold by Locke and Morton through their respective companies. Lincecum had reassured Morton that McCaskill was an excellent salesman and would do well in this industry. The parties (Guy Lincecum, Jim McCaskill, Dickey Morton, and George Locke) met at a McDonald's in a town across the border from Arkansas in Oklahoma. During that McDonald's meeting, after discussion of employment of McCaskill as a sales representative, Guy Lincecum asked George Locke how to apply for a pardon for his brother Garland. Lincecum said that there would be a man in prison who would be willing to spend $1,000,000.00 for a pardon for six individuals presently incarcerated in prison with Garland Lincecum. In response to the question, Locke told Guy Lincecum the following: First, you must hire an attorney. That attorney must make application with the Department of Justice for a pardon. Then it would be up to the president as to whether a pardon would be given. Lincecum asked if the president normally gives pardons. Locke informed Lincecum that usually at the end of his term most presidents' give pardons. During that conversation, neither Morton nor Lincecum mentioned Roger Clinton, or did Guy Lincecum ask if Roger Clinton would be in the position to assist in obtaining a pardon. After the meeting

no further conversations with Guy Lincecum occurred regarding any pardon activities on the part of his brother or any other individuals.

The last week prior to Bill Clinton leaving office, a voice message was left on the phone of George Locke. The message on Locke's phone was as follows: "As of Saturday, 12:30 if Lincecum is not released, the IRS and FBI will be involved." and hung up. Locke did not attempt to contact R.V. Wilson. However, the phone number was given to Morton and he confirmed that the phone call came from R. V. Wilson. Locke did not respond to this phone call since Locke felt as though R. V. Wilson was a less-than credible individual and in was Locke's opinion, "crazy".

Locke Pardon Request

As previously referenced, Roger Clinton had become friends with George Locke. After Clinton was reelected as president, Clinton mentioned to Locke that when the time was right that he would ask "big brother" if he would consider giving Roger, Dan Lassiter, and George Locke a pardon as well as others. At the time this comment was made, Locke did not put much stock into Roger's comments. However, Locke did fill out a pardon application and submitted it to Roger Clinton at the White House during a Christmas vacation. This would have been December of 2000. A phone call occurred between Clinton and Locke when Roger indicated that he was going to talk to big brother about his request for pardons for his old friends and was in hopes that Bill would give Locke a pardon. It is Locke's opinion that Roger still felt responsible for the investigation and conviction of George Locke and Dan Lassiter and was, in essence, attempting to set the record straight between Locke, Lassiter and Clinton.

At no time did Roger Clinton asked for money to be paid by Locke to Clinton for a pardon. At no time did Locke offer to pay money for pardon. At no time were guarantees made by Roger to Locke that a pardon would be given.

Thank you for your consideration. I await your immediate response.

Sincerely,

Mark F. Hampton

MFH:ma

cc: Dickey Morton
George Locke

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 21, 2001

The Honorable Laura S. Unger
Acting Chairman
Securities and Exchange Commission
450 5th Street, N.W.
Washington, DC 20549

Dear Ms. Unger:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain grants of executive clemency from former President Clinton. In furtherance of that investigation, the Committee hereby requests that you produce all records relating to any SEC investigations of the following individuals or entities:

1. Richard Cayce
2. The Legacy Foundation
3. The M. M. Foundation

If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

COOPER & SCULLY

Direct Line:

(903) 813-3902

May 22, 2001

Mr. David A. Kass
Deputy Chief Counsel
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Kass:

Thank you for your recent correspondence. As I previously stated, any information I may have had regarding Mr. Loe's application for clemency would fall within the attorney-client privilege, and any work done pursuant to any attempt to obtain clemency would have been protected by the attorney work product privilege. As such, I am ethically prohibited from discussing that matter in any regard. Furthermore, as to related matters which may not fall strictly within the privilege, it is my policy as an attorney to treat same as confidential and not to disclose same unless compelled to do so by judicial process. I can certainly confirm that my client was unsuccessful in seeking clemency and is still a federal prisoner.

I hope you can appreciate my situation and my obligation to my client and his interests.

Sincerely yours,

Cynthia Shea Goosen

CSG:ddn

S/77856/84883/009C2/DNEILL

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 30, 2001

Cynthia S. Goosen, Esq.
Cooper & Scully, P.C.
200 North Travis Street, Suite 500
Sherman, Texas 75091

Dear Ms. Goosen:

On May 14, 2001, I sent you a letter requesting that you participate in an interview with Committee staff regarding Blume Loe's efforts to obtain a Presidential pardon through Roger Clinton. In your May 22, 2001, response, which I received yesterday, you refused to participate in an interview, on the grounds that any information you would have would fall within the attorney-client privilege, or would be "confidential," and could not be discussed with Committee staff.

It is unfortunate that you are unwilling to cooperate with the Committee's investigation. As you know, there is significant Congressional and public interest in determining if any wrongdoing occurred with respect to Roger Clinton's efforts to obtain Presidential pardons for his friends and associates. It appears that you and your client had contacts with Roger Clinton about a Presidential pardon.

The only information you have offered the Committee to this point is that Mr. Loe did not obtain a pardon. That much is obvious from the public record. Of course, there are a number of additional questions regarding Mr. Loe's efforts to obtain a pardon that need to be answered. Your refusal to even make an effort to accommodate the Committee's inquiry is disappointing, and may keep the Committee from obtaining the information which it needs. Unfortunately, your tactics are consistent with those of sixteen other individuals involved in this investigation who have either invoked the Fifth Amendment or refused to be interviewed.

Please contact me at (202) 225-5074 if you reconsider your decision.

Very truly yours,

David A. Kass
Deputy Chief Counsel

DAN BURTON, INDIANA
CHAIRMAN

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BERNARD SANDERS, VERMONT
INDEPENDENT

June 1, 2001

James F. Sloan
Director
Financial Crimes Enforcement Network
United States Department of Treasury
2070 Chain Bridge Road, Suite 200
Vienna, Virginia 22182

Re: Request for Documents

Dear Mr. Sloan:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain grants of clemency considered by former President Clinton. The Committee hereby requests certain records. Please produce to the Committee all Currency Transaction Reports, Currency and Monetary Instrument Reports, and Suspicious Activity Reports from January 1, 1998, through April 1, 2001, relating to Roger Cassidy Clinton or Odgie Music.

To assist you with your search, Mr. Clinton's date of birth is [redacted], and his social security number is [redacted]. The following addresses may correspond to Mr. Clinton or Odgie Music: [redacted] Vail, Colorado 81657; [redacted], Vail, Colorado 81657; 334 Avenue F, Redondo Beach, California 90277; 22616 Juniper Avenue, Torrance, California 90505.

Produce the requested items by the close of business on June 8, 2001. If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 1, 2001

Edgar Gregory
522 Franklin Road
Brentwood, Tennessee 37027

Re: Document Subpoena

Dear Mr. Gregory:

As you requested in our telephone conversation of this morning, I am writing the following letter regarding the Chairman's May 25, 2001, subpoenas to you and United Shows of America.

As you explained, you were served with the subpoenas this morning, and need additional time to respond. You informed me that you would be in a position to fully respond to the subpoenas by Thursday, June 7, 2001. I am willing to extend the deadline for the response to the subpoenas to that date. As I noted in our discussion, though, the Chairman originally requested these items in a letter dated April 3, 2001, meaning that you have already had almost two months to compile these materials.

During our conversation, you also inquired as to the applicability of the subpoenas to records relating to the pardon of your wife, Vonna Jo Gregory. As I explained, any records pertaining to the pardons of you or your wife in your possession or in the possession of United Shows of America would be responsive to the subpoenas. However, if you have any specific questions as to the responsiveness of certain documents, feel free to contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Chief Counsel

cc: Howard Vine, Esq.
Mark Schnapp, Esq.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 4, 2001

Bank of America
MO1/800-16-08
800 Market Street, 16th Floor
St. Louis, Missouri 63101
Attn: Pamela Beckwith

Re: PLB050801837

To Whom it May Concern:

I am writing to request that the Bank of America produce the following items pursuant to the subpoena issued by the Committee on Government Reform on April 25, 2001. These items have been identified after reviewing the statements for account [redacted] belonging to American Gypsum Cement Products, L.L.C., which were produced to the Committee on May 31, 2001.

Deposit	11/12/99	$7,600.00	813003520536785
Deposit	11/17/99	$25,000.00	813003720864708
Deposit	11/22/99	$25,000.00	813003920545903
Credit Acct	11/29/99	$25,000.00	945011290850075
Check 1001	11/17/99	$7,400.00	813003420055220
Check 1003	11/24/99	$15,000.00	813003520778356
Check 1004	11/22/99	$2,000.00	813003520339575
Check 1005	11/24/99	$4,000.00	813003620887092
Check 1006	11/26/99	$4,000.00	813003520067017
Check 1007	12/01/99	$6,000.00	813003420784207
Check 1008	12/03/99	$6,000.00	813004320466188
Check 1009	12/14/99	$3,500.00	813004120689660
Check 1010	12/16/99	$3,500.00	813003720259836
Check 1011	12/16/99	$1,215.68	813003720259835
Deposit	01/13/00	$10,000.00	945001132110211
Deposit	01/19/00	$5,000.00	813003520075969
Deposit	01/28/00	$297,686.95	911901282110602
Check 1014	01/03/00	$1,100.00	813003920634061
Check 1016	01/13/00	$5,000.00	813003720148235
Check 1017	01/14/00	$3,000.00	813003420894871
Check 1019	01/24/00	$2,250.00	813004120693480
Check 1020	01/21/00	$3,650.00	813003720666098

Bank of America
Page 2 of 2

Check 1022	02/01/00	$2,500.00	813003920529517
Check 1023	02/01/00	$3,500.00	813003620504387
Check 1024	02/01/00	$2,223.60	813003620504386
Check 1025	02/09/00	$7,600.00	813003520170932
Check 1026	02/07/00	$7,600.00	813003820914743
Check 1027	02/09/00	$25,000.00	813003520180513
Check 1028	02/14/00	$30,000.00	813004220352850
Check 1029	02/09/00	$5,000.00	813003520171023
Check 1030	02/09/00	$5,000.00	813003520180514
Check 1031	02/10/00	$8,000.00	813003420294106
Check 1032	02/11/00	$7,000.00	813003620126539
Check 1033	02/09/00	$15,000.00	813003520200332
Check 1034	02/14/00	$1,600.00	813003920767755
Check 1035	02/09/00	$1,600.00	813003520200333
Check 1036	02/09/00	$80,000.00	813003520170920
Check 1037	02/22/00	$5,100.00	813003520031548
Check 1038	02/18/00	$3,750.00	813003920870522
Check 1039	02/22/00	$1,042.00	813003520031555
Check 1043	02/28/00	$5,200.00	813004220360209
Check 1045	02/28/00	$5,200.00	813003820335799
Deposit	03/01/00	$7,000.00	813003620400449
Deposit	03/03/00	$25,000.00	813003920683448
Deposit	03/13/00	$5,000.00	813003720419642
Check 1047	03/01/00	$7,500.00	813003920486412
Check 1049	03/06/00	$9,850.00	813003820622477
Check 1050	03/07/00	$2,500.00	813004220669310
Check 1051	03/17/00	$1,000.00	813033920353113
Check 1055	03/06/00	$7,000.00	813003820622478

Please produce these items as soon as possible, and if necessary, on a rolling basis. Please contact me at (202) 225-5074 if you have any questions about this matter.

Very truly yours,

David A. Kass
Deputy Chief Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 6, 2001

Michael Zuccato
General Manager
Cuba Travel Services
3760 Kilroy Airport Way, Suite 560
Long Beach, California 90806

Re: Request for Documents

Dear Mr. Zuccato:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an inquiry into a number of grants of clemency considered by President Clinton. As part of that inquiry, the Committee had been reviewing a number of grants of clemency which were advocated by Roger Clinton to President Clinton.

It is my understanding that you informed Committee staff in an interview yesterday that Roger Clinton was paid to contact President Clinton, and perhaps other Administration officials, regarding restrictions on travel to Cuba. To the extent that Roger Clinton was being paid to contact or lobby his brother, or other Administration officials, it is of interest to the Committee in its investigation. Therefore, I request that Cuba Travel Services provide to the Committee all records it has relating to the relationship between Cuba Travel Services and Roger Clinton, or his company, Odgie Music.

Please provide the requested records by June 13, 2001. If you have any questions about this matter, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

GREENBERG
ATTORNEYS AT LAW
TRAURIG

June 7, 2001

Mr. David Kass
Room 2157
Rayburn House Office Bldg.
Government Reform Committee
Washington DC 20515

BY HAND

Re: E. A. and Vonna Jo Gregory

Dear Mr. Kass:

Pursuant to your conversation with Ed Gregory and Mark Schnapp, enclosed herewith are copies of the following documents:

1. IRS Forms 1099 for Anthony D. Rodham issued by United Shows of America, Inc. ("United Shows") for 1998, 1999, and 2000;
2. Proposed consulting agreement provided by Anthony D. Rodham. This proposed agreement was declined by United Shows.
3. Invitation to birthday party for Hillary Rodham Clinton on October 27, 1997 and ground transportation instructions . Mr. and Mrs. Gregory declined this invitation.
4. Health benefits application submitted by Anthony D. Rodham for health insurance to be provided by United Shows.
5. Promissory note in the amount of $72,000 signed by Anthony D. Rodham for loan by United Shows.
6. Executed Consulting Agreement for services provided by Tony Rodham & Associates, Inc. and Anthony D. Rodham, individually, dated June 6, 1998.

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800 CONNECTICUT AVENUE, N.W. SUITE 500 WASHINGTON, D.C. 20006
202-331-3100 FAX 202-331-3101 www.gtlaw.com
MIAMI NEW YORK WASHINGTON, D.C. ATLANTA PHILADELPHIA TYSONS CORNER CHICAGO BOSTON PHOENIX WILMINGTON LOS ANGELES DENVER
SÃO PAULO FORT LAUDERDALE BOCA RATON WEST PALM BEACH ORLANDO TALLAHASSEE

In addition, as Mr. Gregory informed you on the phone this morning, United Shows provided Mr. Rodham a 1995 Chevrolet Suburban vehicle for his use. I also have enclosed a copy of the vehicle registration which is titled to United Shows.

Mr. Gregory will be appearing at your office Wednesday, June 13, 2001 to deliver the pardon application. We will produce a redacted version of the pardon application, and Mr. Gregory will show you the material that is being deleted in accordance with his privacy concerns. Mr. Schnapp will confirm with you later today the time of the meeting on Wednesday.

Sincerely,

Deborah L. McGee
Secretary to Howard A. Vine

cc: Howard A. Vine
Mark P. Schnapp
E. A. and Vonna Jo Gregory

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 8, 2001

Thomas S. Streetman, Esq.
Streetman & Meeks
P.O. Drawer A
302 Main Street
Crossett, AR 71635

Dear Mr. Streetman:

I have received your letter of May 11, 2001, as well as your production via Federal Express dated May 16, 2001. Thank you for providing the monthly bank statements for Southern Belle Construction. As you know, the Committee's April 4, 2001, subpoena called for records relating to other individuals and entities in addition to Southern Belle Construction. In my letter of April 30, 2001, I requested that you please advise the Committee whether any records existed for the individuals or entities named in the subpoena. Accordingly, please indicate whether Southern Belle Construction is the only individual or entity for which there exists responsive records.

If you have any questions or concerns, please contact me by telephone or fax at the numbers I provided to your secretary and in my letter of May 15, 2001.

Sincerely,

Jason A. Foster
Counsel

DEPARTMENT OF THE TREASURY
FINANCIAL CRIMES ENFORCEMENT NETWORK

JUN - 8 2001

Via Hand Delivery

David A. Kass, Esq.
Deputy Chief Majority Counsel
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Kass:

Enclosed with this letter is a document, derived from a search of the reports filed with the federal government under the regulations implementing Title II of the Bank Secrecy Act, codified at 31 U.S.C. 5311, et seq. ("BSA"), that is responsive to the request for records made in a letter, dated June 1, 2001 (the "Records Request"), from Chairman Dan Burton of the House Committee on Government Reform and Oversight (the "Committee") to James F. Sloan, the Director of the Financial Crimes Enforcement Network ("FinCEN") of the Department of the Treasury.

BSA Record Produced. The document is a currency transaction report -- document numbered HCL 0001 -- that relates to both Roger Cassidy Clinton and Odgie Music, the subjects of the Records Request. Subject to the following qualifications, no other responsive document was found.

The enclosed document was generated as a result of a search process that was conducted in accordance with the terms of the Record Request. Thus, FinCEN limited its search to currency transaction reports, currency and monetary instrument reports, and suspicious activity reports that relate to transactions conducted between January 1, 1998, and April 1, 2001. FinCEN further limited its search to the identifying information provided in the Records Request.

We understand (and by your acceptance of the document you are confirming) that the document will be handled in accordance with the security procedures and protocols governing the Committee's work. We would specifically request, in line with our understanding of the operation of those protocols, that no document produced by FinCEN be made public without consultation between the Committee and the Director of FinCEN.

RECEIVED
JUN 08 2001
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GOVERNMENT REFORM

Feel free to telephone me at (703) 905-3807 if you should have any questions about any matters relevant to FinCEN's response. (For our records, I would appreciate your acknowledging your receipt of this letter, and of the document enclosed herewith, by signing the copy of this letter enclosed for that purpose and returning it to our messenger.)

Sincerely yours,

Albert R. Zarate
Senior Counsel

Enclosure

Received this 11th day
of June, 2001

David A. Kass, Esq.
Deputy Chief Majority Counsel

cc: Phil Barnett, Esq.
Chief Minority Counsel

Received this ____ day
of June, 2001

Phil Barnett, Esq.
Chief Minority Counsel

STREETMAN & MEEKS
Attorneys at Law
302 Main Street
Crossett, Arkansas

Thomas S. Streetman
William S. Meeks

P. O. Drawer A
Crossett, AR 71635-1801
(870) 364-7213
Fax: (870) 364-6500
E-mail: streetmeeks@arkansas.net

June 11, 2001

VIA FACSIMILE 202/225-5127

Mr. Jason A. Foster, Counsel
Committee on Government Reform
United States Congress
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: Southern Belle Construction, LLC

Dear Mr. Foster:

Southern Belle Construction, LLC was the only entity identified in the April 4, 2001, subpoena which had a bank account at First National Bank of Crossett.

Very truly yours,

Thomas S. Streetman

TSS/ad

cc: Mr. Edward L. Holt, President
FIRST NATIONAL BANK OF CROSSETT

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 11, 2001

Hampton Roads Shipping Investors II, L.L.C.
1011 South Dairy Ashford
Houston, Texas 77077

To Whom It May Concern:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is investigating a number of grants of clemency which were considered by former President Clinton. In the course of that investigation, the Committee has learned that Hampton Roads Shipping Investors II, L.L.C. ("Hampton Roads") had a financial relationship with Roger Clinton.

Committee staff have attempted to interview personnel from Hampton Roads on a number of occasions. However, none of the numerous messages left by Committee staff have ever been returned. Recently, on June 1, 2001, Committee staff contacted a staff member at Hampton Roads, and was told that his message had been passed on to Mr. Contogouris, the head of the company. However, despite that message and a number of other messages, Committee staff have never received a call back.

Accordingly, I am writing to request that Mr. Contogouris, or some other official of Hampton Roads with knowledge of the relationship between Hampton Roads and Roger Clinton, participate in an interview with Committee staff. I also request that Hampton Roads produce all records relating to Roger Clinton to the Committee. Please contact David A. Kass, the Committee's Deputy Chief Counsel, to arrange the interview as soon as possible. Please provide the requested documents by June 15, 2001.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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CHAIRMAN

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 12, 2001

Jon A. Sale, Esq.
Sale & Kuehne, P.A.
Bank of America Tower, Suite 3550
100 S.E. 2d Street
Miami, Florida 33131

Dear Mr. Sale:

I am writing to follow up on a written request I made on April 10, 2001, that your client, Kendall Coffey, participate in an interview with Committee staff. As I explained in my previous letter, the Committee on Government Reform is conducting an investigation of certain grants of clemency by former President Clinton. As part of that investigation, the Committee has been reviewing the pardon of Glenn Braswell. Mr. Coffey has already produced documents to the Committee regarding the pardon of Mr. Braswell. I request that Mr. Coffey participate in an interview with Committee staff regarding his involvement in the Braswell pardon.

Please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074, to schedule the interview. Thank you for your cooperation in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

June 12, 2001

Honorable Dan Burton
Chairman
Attn: Mr. David A. Kass
Chief Deputy Counsel
Committee on Government Reform
Congress of the United States
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Information Furnished Per Subpoenas as to Pardon Requests

Dear Congressman Burton and Mr. Kass:

This letter will reply to your subpoenas served on Friday, June 1, 2001, in Brentwood, Tennessee, for certain records of United Shows of America, Inc., and E. A. Gregory. We further reply to your clarification letter dated June 1, 2001, as to granting us an extension of time to answer the subpoenas and your request for information as it pertains to Vonna Jo Gregory.

A. The following is a chronological recap of your continued interest and requests as it relates to our Presidential Pardons:

1. The first letter received by us was dated May 20, 2001 from Congressman Burton requesting certain information as to our association with Tony Rodham, as it may be applicable to pardons granted us in March of 2000. Our pardons were not granted in **January 2001.**

2. On March 29, 2001, Mark P. Schnapp, of the firm Greenberg & Traurig, notified you, via facsimile and telephone, that we would either come to Washington in person, at no cost to the committee, or have a conference via telephone on April 2, 2001 at 3:00 p.m., your choice. Mr. James C. Wilson, Chief Counsel, preferred the telephone conference. On April 2, 2001 an approximately 1 hour and 35 minute telephonic conference was held with the two of us.

3. After the telephone conference, our attorneys, Mr. Schapp and Mr. Vine, advised us, in their opinion, no further documentation would need to be sent to them or for them to send to your office.

4. On May 25, 2001, we forwarded, by Federal Express priority, to Mr. Howard A. Vine, of the Washington Greenberg & Traurig office, documents he said you requested through them, for us to produce. This was on May 24, 2001 (Mr. Vine, at the time the documents arrived at his office, according to his secretary, was on a two-week vacation in Hawaii).

RECEIVED
JUN 13 2001
HOUSE COMMITTEE ON GOVERNMENT REFORM

5. On May 31, 2001, the U.S. Marshall's Office of Nashville, Tennessee made an attempt to serve subpoenas on us at our home. We were both attending the State Fair Board meeting in Tampa, Florida at that time. When we arrived home at about 9:00 p.m. on May 31, 2001, I called Deputy Marshall William E. Laster at his home and he said that since he would pass our home on the way to work the next morning, he would drop the subpoenas off at that time, which he did at approximately 7:30 a.m. on June 1, 2001.

6. On June 1, 2001, at approximately 9:15 a.m., I called and talked to David Kass, not being able to get in touch with either of our attorneys at that time, and asked that he allow us until Thursday, June 7, 2001 to respond to the subpoenas. My conversation with Mr. Kass included, but was not limited to, that we did not want to give copies of the original petitions filed to his office because some of the information furnished the Department of Justice in E. A. Gregory's petition contained **personal information that was sensitive to the Gregorys and their immediate family.** Mr. Kass assured us that it was his opinion, without looking at the documents, that if the statements in the petition we were concerned about, that we discussed with him, was all that was in the "sensitive area" we wanted deleted, that there would be no reason not to remove those pages of the petition once he had seen with his own eyes, without retaining any copies. This, of course is if the information was as described to him. He further stated that he already had a copy of Vonna Jo's petition that had apparently been acquired from Tony Rodham and/or his counsel.

7. On Thursday, June 7, 2001, Mark Schnapp and E. A. Gregory talked to Mr. Kass. Upon the conclusion of that conversation, Debbie McGee of Howard Vine's office in Washington, by hand-delivery, delivered to Mr. Kass and/or his representative, a number of documents, as it pertains to Tony Rodham and his relationship with United Shows of America, Inc. and the Gregorys, which were furnished to Mr. Vine per the subpoenas (A-4).

8. On Tuesday, June 12, 2001, in a conversation with Mr. Kass, he agreed to allow us to send the enclosed documents, via Federal Express, with the deletions we requested.

B. In accordance with your subpoenas, as to all records pertaining to our receiving grants of executive clemency, enclosed are the following documents:

(a) Copy of United States Department of Justice "Rules Governing Petitions for Executive Clemency." This is a copy that our probation officer in Nashville, Tennessee, James A. Zralek, gave to us when we first talked to him about applying for pardons in 1989.

(b) Copy of letter dated **June 1, 1992**, where one of our attorneys, Ms. Susan W. Van Dusen, was assisting us in obtaining records, forms and information so that we could begin checking all the requirements on how to obtain a Presidential Pardon.

(c) Copy of letter dated **September 18, 1998**, from the U.S. Department of Justice, where pardon applications were sent to our son, Daniel Gregory, an attorney, after he inquired of the Justice Department how we could apply for a Presidential Pardon.

(d) Copy of letter dated **September 22, 1998**, from Daniel A. Gregory to Ms. Helen Bollwerk of the Office of the Pardon Attorney, thanking her for assisting him in obtaining information about Presidential Pardon procedures, etc.

(e) Copy of letters to President Clinton, along with copies of our petitions, with deletions from question 6, biographical section (per our discussion and agreement) requesting a pardon. These sample copies show the Justice Department received these applications on **November 30, 1998**.

(f) Copies of the exhibits that accompanied our petitions.

(g) Copy of letter dated **December 23, 1998**, from Ms. Helen M. Bollwerk, of the Office of the Pardon Attorney, asking us for more information, with deletions (per our discussion and agreement).

(h) Copy of our reply to Ms. Bollwerk's letter, with deletions (per our discussion and agreement).

(i) Copy of letter dated **January 28, 2000**, from the then Florida Commissioner of Agriculture and Consumer Services Bob Crawford to Roger C. Adams, Pardon Attorney, seeking his assistance in consideration of our pardon applications.

(j) Copy of fax letter dated **February 25, 2000**, from Mark P. Schnapp, one of our attorneys, requesting additional information from the Office of the Pardon Attorney.

(k) As you can see by the fax, at the top of the page, on **March 9, 2000**, the Pardon Attorney sent to the offices of Greenberg Traurig an "Authorization for Disclosure of Confidential Tax Information," which we executed, authorizing the Office of the Pardon Attorney to check with the Internal Revenue Service, to make sure, both for the corporations with which we were employed by and/or owned stock in, and personally, from 1985 to the present (March 9, 2000), authorized the IRS to disclose to the Pardon Attorney whether there was any ongoing investigation as to us, personally, and the closely-held corporations we worked for and/or held stock in. The Office of the Pardon Attorney further verified we and/or the corporations had no outstanding tax liabilities.

(l) Copy of letter dated **March 13, 2000**, from Mark P. Schnapp to Ms. Helen Bollwerk, of the Office of the Pardon Attorney, acknowledging the IRS authorization had been signed by both of us, in our corporate capacity and individually, so that the Pardon Attorney could obtain the requested information from the IRS. He further inquired as to whether any other information was needed to expedite our pardon applications, which had been at the Justice Department **since November of 1998.**

(m) Copy of our check No. 2668 where we paid Greenberg Traurig $10,000.00 to assist us in obtaining the pardons.

(n) Copy of letter dated **March 15, 2000**, with copies of enclosures, to Mark P. Schnapp from Roger C. Adams, Pardon Attorney, stating that President Clinton had granted our pardons.

(o) Copy of fax cover sheet, dated **March 16, 2000**, to us from Howard A. Vine, sending us a copy of the pardons he had picked up from the Justice Department.

(p) Copy of our letter dated **March 16, 2000**, to President Clinton thanking him for granting the pardons.

(q) Copy of our letter dated **March 17, 2000**, where we acknowledged receipt of the pardons and sent the acknowledgement back to the Pardon Attorney's office, as required.

C. Information as it pertains to Anthony D. Rodham:

(i) Copies of Debbie McGee's letter, from the office of Greenberg & Traurig, dated June 7, 2002, less attachments, which you have already received.

(ii) Tony Rodham is a friend of ours. He has assisted us by obtaining information for us, when United Shows of America was engaged in contractual negotiations to organize and produce a fair in Dubai, United Arab Emirates, which had the event occurred, we felt the fair would have meant millions of dollars of additional revenue to our corporation. Tony worked many hours as to requirements we would have to meet to complete this project. Among those, he personally went to the State Department and other regulatory agencies on our behalf, including making a trip to Dubai and visiting the officials there concerning that now abandoned project.

(iii) Mr. Rodham has talked to us about other investments over the past few years. He has sent to us information and business proposals on ventures including, but not limited to, radio and television stations that were for sale, fairs in various parts of the country that may be seeking an amusement company such as ours. He has discussed with us being involved in making movies with one of his associates. He discussed with us investing in some type of hazelnut production company in a foreign country, a land deal in California, and others that we don't particularly recall at this writing but certainly do not deny he has either sent or brought to us a great deal of information over the years, of which a lot of Tony's ideas were over the telephone and not in writing, that he thought we may be interested in investing in, as a management partner, and/or that he thought we might be interested in taking a financial position in.

(iv) We are friends with Tony Rodham and when he was married to Nicole, they visited us as a family. We attended some events with them including one for Nicole's father, an attorney in the San Francisco area.

(v) We have loaned Tony money on several occasions and any money loaned to him through December 2000 he has signed a promissory note for (you have a copy).

(vi) As we stated before, Tony Rodham never asked us in any way for any money to assist us in obtaining a pardon. We knew and met President and Mrs. Clinton probably four years before we ever met Tony Rodham. For instance, when we produced and put on the first carnival show for the National Parks Service, held at the White House in July of 1998, we probably saw and talked to the President and First Lady during the event several times. During that event Tony wasn't even in the country.

All of the above information should answer and comply with your subpoenas; however, if you need anything else, please contact us.

With every good wish,

UNITED SHOWS OF AMERICA, INC.

E. A. Gregory
Chairman

E. A. Gregory
Individually

Vonna Jo Gregory
Individually

Via FedEx

pc: Mr. Mark Schnapp
Mr. Howard A. Vine

EAG/led

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 18, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations considered by President Clinton. The Committee hereby requests certain records.

Please provide the Committee with the following records:

1. All records from the files of former U.S. Attorney for the Central District of California Alejandro Mayorkas relating to Horacio Vignali or Carlos Vignali; and

2. All records relating to any consideration of an executive grant of clemency for Rosario Gambino.

Please provide the requested records by June 25, 2001. If you have any questions about this matter, please have your staff contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074. Thank you for your cooperation with this request.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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JANICE D. SCHAKOWSKY, ILLINOIS
Wm. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 18, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations considered by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee all records relating to the consideration of an executive grant of clemency for Rosario Gambino.

Please produce the requested items by the close of business on July 2, 2001. If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

LOS ANGELES
5 So. Figueroa Street, 10th Floor
Los Angeles, CA 90017
(213) 624-7707
Facsimile: (213) 624-0643

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2479 E. Bayshore Road, Suite 820
Palo Alto, California 94303
(650) 494-3900
Facsimile (650) 494-3928

JUN 21 2001

DATE: June 21, 2001

TO/COMPANY: **CONFIRM:** ☐ No ☐ Yes

NAME	PHONE NO.	FAX NO.
David Kass Deputy Counsel House Government Reform Committee	(202) 225-5074	(202) 225-3974

FROM: Steven G. Madison

RE:

MESSAGE:

As we discussed.

6/22 @ 9:38am

CLIENT NO.: GL578	NUMBER OF PAGES, INCLUDING COVER: 2

OPERATOR: David 4:30 **ROUTE TO:** RHONDA/9

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address above via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE PHONE (213) 533-8670 AS SOON AS POSSIBLE.

Received: 6/20/ 1 3:10PM; 3253676600 -> QUINN EMANUEL/URQUHAR/&OLIVER ; Page 2
JUN-20-2001 14:57 FROM OFFICE OF SHERIFF TO 12136240643 P.02

December 8, 2000

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

Dear Mr. President:

MR. CARLOS VIGNALI

This letter will confirm my support for Mr. Carlos Vignali, Sr., as a man of the highest integrity and trustworthiness.

I have known Mr. Vignali for many years and have witnessed his consistent support of law enforcement and especially the policing effort of the Los Angeles County Sheriff's Department. Moreover, there are occasions when he has brought forward to me incidents of criminal acts that, upon investigation, resulted in the prosecution and conviction of the offenders, some of which were members of law enforcement.

I am confident that Mr. Vignali will fulfill any commitment he makes regarding any matter entrusted to him.

Sincerely,

ORIGINAL SIGNED

LEROY D. BACA
SHERIFF

National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

June 21, 2001

Mr. Jim Wilson
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

By Facsimile

Dear Mr. Wilson:

On June 7, 2001, the National Archives and Records Administration (NARA), in accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(C), provided the Committee on Government Reform with approximately 38 file folders containing Presidential records of the Clinton Administration in response to paragraph one of the March 8, 2001, request from Chairman Burton. That paragraph requested all records relating to the consideration of executive grants of clemency for a list of 18 individuals.

As we discussed on the phone, some of the records that were provided to the Committee were inadvertently produced. Accordingly, we now request the return of these records, and any copies made thereof. Attached to this letter is a list of the records, by file folder, that had been inadvertently produced. We would be happy to assist you if you have any further questions about which particular documents are involved.

We very much regret the processing error that resulted in this inadvertent release, and greatly appreciate your cooperation in facilitating the return of these records. (We will be contacting the Minority staff on this matter as well.)

Sincerely,

GARY M. STERN
General Counsel

Cc: Brett Kavanaugh, Associate Counsel to the President

Attachment

ATTACHMENT

The following is a list of Presidential records, by file folder, that were inadvertently provided to the Committee. Except as itemized in item 6, the entire contents of each folder were inadvertently produced.

1. Counsel's Office – Emily Karcher/Beth Nolan, OA 24963 (loose material)
2. Counsel's Office – Emily Karcher/Beth Nolan, OA 24963 (loose material)
3. Counsel's Office – CF 2031 – Charts
4. Eric Angel – OA 24522 Folder.
5. Meredith Cabe – Counsel's Office CF 2031 – DOJ Denials & Comm. - Vignali
6. Meredith Cabe – Counsel's Office CF 2034 – DOJ materials – New Square (deliberative documents: Facsimile cover sheet from Deborah Landis, DOJ, to Beth Nolan, Memo from Landis to Nolan, 1/16/01, including 10 pages of sentencing transcript; Facsimile cover sheet from Lorraine Lewis, OIG, Dept. of Education, duplicate copy of Landis to Nolan, 1/16/01 memo, including sentencing transcript)
7. Counsel's Office – Bruce Lindsey – OA 21524 Folder Title: Misc. Pardon Material
8. Counsel's Office – Bruce Lindsey – OA 24817 Folder Title: Pardons Misc.
9. Counsel's Office – Bruce Lindsey OA 21523 Folder Title: General Pardon File
10. John Podesta – OA 22060 Folder: Briefing Materials December 2000- January 2001
11. Staff Secretary – OA 22085 Monday, November 20, 2000
12. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Tuesday, December 19, 2000
13. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Friday, December 22, 2000
14. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Thursday, December 28, 2000
15. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Tuesday, January 2, 2001
16. Vignali, Carlos & Others - Charts

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 21, 2001

Chairman Edward F. Reilly, Jr.
United States Parole Commission
5550 Friendship Boulevard, Suite 420
Chevy Chase, MD 20815-7286

Dear Chairman Reilly:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain grants of executive clemency from former President Clinton. In furtherance of that investigation, the Committee hereby requests that you produce all records relating to Rosario Gambino, an individual born on January 12, 1942.

Please provide these records by close of business on June 28, 2001. If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable, Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 25, 2001

Roger C. Clinton
c/o Bart Williams, Esq.
Munger, Tolles & Olson
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071

Dear Mr. Clinton:

Since February, the Committee on Government Reform has been attempting to learn the facts about your efforts to obtain pardons and commutations for a number of individuals. Early in this process, in March 2001, Committee staff attempted to speak with you. Your attorney initially told Committee staff that it would take him a significant period of time to determine whether you would participate in an interview. Finally, on May 14, 2001, we were informed that you would not consent to a voluntary interview to discuss your efforts to obtain grants of clemency.

Your refusal to cooperate has left the Committee in a difficult position. The Committee has a significant interest in learning whether the White House clemency process under President Clinton worked, and whether you abused your relationship with President Clinton to try to obtain grants of clemency for various individuals. Accordingly, in the absence of your cooperation, we have obtained a number of records relating to your activities, and spoken to a number of your associates. From these records and interviews, the Committee has learned about a number of clemency-related issues that I would like you to address.

Given your decision to appear on national television on June 21, 2001, and address a number of issues relating to your efforts to obtain pardons for your friends and associates, I am hopeful that you will answer my questions. You told Larry King that "All I have is the truth. That's all I have." The Committee wants only to obtain the truth, so that it can conclude its investigation of President Clinton's grants of clemency. I hope that you will reconsider your previous decision not to cooperate with the Committee's inquiry, and share with us the truth about your activities.

A. Your Relationship with the Gambino Family

1. Describe the nature of your relationship with Tommaso and Anna Gambino.

2. On September 27, 1999, Anna Gambino wrote a check for $50,000 to your company, Odgie Music. You deposited this check on September 30, 1999. Why did Mrs. Gambino pay you this money?

3. Your credit card records indicate that in March 1999, you traveled to Washington, D.C. with Thomas Gambino (a.k.a. Tommaso Gambino), the brother of Anna Gambino. Did this trip occur, and if so, what was the purpose of the trip?

4. White House records indicate that staff in the White House Counsel's Office considered requesting an NCIC background check relating to the consideration of a possible grant of clemency to Rosario Gambino, the father of Anna Gambino and Tommaso Gambino. Rosario Gambino is serving a 45-year prison sentence for heroin trafficking. Did you ever discuss a grant of clemency for Rosario Gambino with anyone in the White House? If so, describe the substance of all communications you had about this matter.

5. Do you know if the White House ever considered a grant of clemency for Rosario Gambino?

6. Were you aware of allegations that Rosario Gambino is a prominent organized crime figure? Are you aware of such allegations at this time?

7. Was the payment of $50,000 from Anna Gambino related to any actions taken by you for the benefit of Rosario Gambino?

B. Deposits of Travelers Checks

1. Your bank records indicate that on December 15, 1998, you deposited $125,000 in travelers checks into your account. The travelers checks are double-signed by you. Who purchased these travelers checks? If it assists your recollection, bank records indicate that some or all of these travelers checks were purchased in Taiwan.

    a. Why did you receive these travelers checks?

    b. Did you bring this money into the United States from overseas? If so, did you declare it on Customs forms?

    c. Did you declare this money on your income tax return?

2. Your bank records indicate that on July 12, 1999, you deposited $25,000 in travelers checks into your account. The travelers checks are double-signed by you. Who purchased these travelers checks?

a. Why did you receive these travelers checks?

b. Did you bring this money into the United States from overseas? If so, did you declare it on Customs forms?

c. Did you declare this money on your income tax return?

3. Your bank records indicate that on November 30, 1999, you deposited $100,000 in travelers checks into your account. The travelers checks are double-signed by you. Who purchased these travelers checks? If it assists your recollection, bank records indicate that some or all of these travelers checks were purchased either in Taiwan or Venezuela.

a. Why did you receive these travelers checks?

b. Did you bring this money into the United States from overseas? If so, did you declare it on Customs forms?

c. Did you declare this money on your income tax return?

C. Other Clemency Related Matters

1. On your appearance on Larry King Live, you stated that all of the individuals for whom you requested pardons were out of prison. You also indicated that you had requested pardons only for a small group of "dear friends." Please explain your role in requesting consideration of executive clemency for the following individuals:

a. J.T. Lundy;

b. Blume Loe;

c. John Ballis;

d. Steve Griggs;

e. Mark St. Pe.

2. Please list all individuals on whose behalf you ever requested executive clemency. For all such individuals, please explain the following:

a. The amount of money you received in exchange for your efforts;

b. The actions which you took to request a grant of executive clemency.

3. Please list all individuals who offered you money, or anything else of value, in exchange for your assistance in obtaining a grant of clemency.

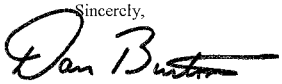
   a. For each such individual, indicate how much money you were offered.

   b. For each such individual, indicate whether you accepted the money, or other thing of value.

   c. For each such individual, indicate whether you assisted the individual in trying to obtain a grant of clemency.

Please respond to these questions by June 27, 2001. I am optimistic you will take this opportunity to cooperate with the Committee, and help us conclude our investigation.

Sincerely,



Dan Burton
Chairman

cc: Members, Committee on Government Reform
The Honorable Mary Jo White, United States Attorney, Southern District of New York

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RICHARD D. ESBENSHADE
OF COUNSEL

E. LEROY TOLLES
(1917-2001)

A PROFESSIONAL CORPORATION

June 27, 2001

WRITER'S DIRECT LINE
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williamsbh@mto.com

VIA FAX AND U.S. MAIL

The Honorable Dan Burton
Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: *Roger C. Clinton*

Dear Congressman Burton:

I have received and reviewed your letter dated June 25, 2001, which was directed to my client, Roger Clinton, via this firm. For the reasons discussed more fully below, Mr. Clinton respectfully declines the Committee's invitation to respond to the questions posed in your letter.

At the outset, I must take issue with two premises in your letter: first, that Mr. Clinton has heretofore "refus[ed] to cooperate" with the Committee, and second, that Mr. Clinton "deci[ded] to appear on national television . . . [to] address a number of issues relating to [his] efforts to obtain pardons for [his] friends and associates."

As you know, although Mr. Clinton would not agree to be interviewed by the Committee's staff, he responded to the Committee's subpoena request for documents by producing records. Mr. Clinton also voluntarily provided the Committee with information regarding all of the bank accounts over which he has control and/or to which he has access. Ironically, it appears that a number of the questions the Committee poses in its most recent letter were spawned by Mr. Clinton's production of materials and disclosure of bank account information. Far from frustrating the Committee's investigation, then, Mr. Clinton appears to have *facilitated* it.

With regard to Mr. Clinton's appearance on Larry King Live on June 21, 2001, as Mr. Clinton and his counsel stated repeatedly on the program, he had agreed to appear on the show to talk about an entirely different topic, namely, a driving under the influence case that is currently pending in Hermosa Beach, California.[1] Although Mr. Clinton had not made himself available to discuss the pardon investigation, Mr. King persisted in asking questions regarding those topics – which, as you know, are the subject of a grand jury investigation in the Southern District of New York. As you apparently observed, Mr. Clinton stated that he intended to follow the advice of his attorney and declined to answer all but a few specific questions concerning the pardon investigation. Nevertheless, he reiterated what he had told reporters before he retained counsel: that none of the persons whom he recommended for pardons received one, and that he took no money in return for making a pardon recommendation.

Let me now comment on the Committee's stated objective: that it has "an interest in learning whether the White House clemency process under President Clinton worked, and whether [Mr. Clinton] abused [his] relationship with President Clinton to try to obtain grants of clemency for various individuals." You further announce that "[t]he Committee wants only to obtain the truth, so that it can conclude its investigation of President Clinton's grants of clemency." With all due respect, the ever-broadening scope of the Committee's inquiry belies these stated objectives. The Committee's latest round of questions seeks information about overseas transactions and related customs and tax matters that bear no apparent relationship to Presidential clemency requests. Moreover, the Committee's latest interrogatories, *by their terms*, seek information about persons who, as far as I have been able to determine from published lists, never received pardons or executive clemency of any kind. If the goal of the Committee's inquiry is truly to determine whether the White House clemency process "worked", it would seem that that question has already been answered. Stated another way, even if the Committee were to assume for purposes of its investigation that Mr. Clinton had requested some form of clemency for *all* of the individuals referenced in your letter, those efforts could not have resulted in a misuse of Executive authority, since the President did not grant clemency requests of any kind relating to any of the individuals listed in the Committee's letter.

---

[1] The Hermosa Beach case is notable because it reflects an extraordinary misuse of police power. In that case, the discovery process revealed that representatives of the Hermosa Beach Police Department ("HBPD") falsely asserted, repeatedly, that they were unaware of Mr. Clinton's identity as the driver of his car at the time they carried out what their Press Information Officer described, on television, as a "routine" traffic stop. In fact, HBPD audio recordings – which were produced by prosecutors only after repeated requests – clearly indicate that the traffic stop was anything but routine, and that multiple officers – including the very same Press Information Officer – had determined Mr. Clinton's identity and, in fact, *had been watching Mr. Clinton for over 45 minutes before Mr. Clinton even entered his car.* Not surprisingly, the City Attorney's Office has offered to resolve the matter without *any* reference to any alcohol related infraction.

The breadth and scope of the Committee's investigation, and in particular of its most recent questions, suggest that something more than an inquiry by the Committee into Presidential clemency decisions is afoot. Like anyone else who values his own privacy and who respects the privacy of those close to him, Mr. Clinton will not submit willingly to a general warrant.

Sincerely,

Bart H. Williams

Bart H. Williams

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 28, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain grants of executive clemency from former President Clinton. In furtherance of that investigation, the Committee hereby requests that you produce all records of any investigation relating to Roger Clinton and Tommaso "Tommy" Gambino.

Please provide these records by close of business on July 7, 2001. If you have any questions about this request, please contact me, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable, Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 6, 2001

Chris Salazar
600 Long Island Drive
Hot Springs, AR 71913

Dear Mr. Salazar:

Pursuant to its authority under Rules X and Xl of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain pardons and commutations from former President Clinton. In the course of this investigation, the Committee has received information that you had a financial relationship with two individuals involved in the Committee's investigation, Roger Clinton and George Locke. Committee staff have been unsuccessful in reaching you by telephone. Therefore, I write to request that you participate in a brief telephone interview with Committee staff regarding this matter during the week of July 9, 2001.

Please contact the Committee's Deputy Chief Counsel, David A. Kass at (202) 225-5074 as soon as possible to arrange a time for the interview.

Sincerely,

Dan Burton

Dan Burton
Chairman

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 6, 2001

James D. Henderson, Sr., Esq.
12121 Wilshire Blvd., Ste. 1120
Los Angeles, CA 90025-1166

Dear Mr. Henderson:

Per our conversation yesterday, your request for a seven-day extension of time to comply with the Committee's June 29, 2001, subpoena to your client, Tommaso Gambino, is granted. Please produce the requested records by close of business on July 13, 2001.

If you have any further questions regarding this matter, please contact the Committee's Deputy Chief Counsel, David A. Kass at (202) 225-5074.

Sincerely,

Jason Foster

Jason A. Foster
Counsel

DAN BURTON, INDIANA
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INDEPENDENT

July 11, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

My staff has reviewed records produced by the Justice Department in response to the Committee's June 21, 2001, document request to the United States Parole Commission. Two documents in the production summarizing contacts between Roger Clinton and the Parole Commission were redacted because of references to third parties. I request that the Parole Commission produce to the Committee all records relating to contacts between Roger Clinton and the Parole Commission or its staff. It is my understanding that this request will require only the removal of the redactions on the two redacted documents.

If you have any questions about this matter, please have your staff contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

LAW OFFICES OF JAMES D. HENDERSON
12121 Wilshire Boulevard
Suite 1120
LOS ANGELES, CALIFORNIA 90025-1123

TELEPHONE (310) 478-3131
FAX (310) 312-0078

July 13, 2001

David Kass
U.S. House of Representatives
Committee on Government Reform
Reyburn House Office Building
Room 2157
Washington, D.C. 20515

Re: Records Subpoena / Tommaso Gambino

Dear Mr. Kass:

In response to the Committee's June 29, 2001, records subpoena, Mr. Gambino is still attempting to locate the original of the $50,000 check made out by Anna Gambino to Roger Clinton. A search of his personal records was unfruitful and we are still awaiting word from his accountant. This is the only material responsive to Committee's subpoena within Mr. Gambino's custody or control and we are assuming that it will be located. Mr. Gambino has not saved his telephone records which may, or may not, evidence calls to Mr. Clinton. He does not keep an appointment book.

Finally, pursuant to our telephone conversation of July 12, 2001, Tommaso Gambino is checking to determine if any paperwork exists relative to the watch about which you have inquired. I will supplement this response to the June 29th subpoena with any such documents forthwith.

I can be reached at 310/478-3131 should you have additional questions or comments.

Very truly yours,

Jim Henderson

James D. Henderson

JDH:maf
~~Enclosures: As noted~~

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 16, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain grants of executive clemency from former President Clinton. In furtherance of that investigation, the Committee hereby requests that you produce all records relating to any investigation of Roger Clinton from January 20, 1993, to January 20, 2001. Please exclude from this request records previously provided to the Committee.

Please provide these records by close of business on July 30, 2001. If you have any questions about this request, please have your staff contact Deputy Chief Counsel David Kass at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 25, 2001

VIA FACSIMILE AND FIRST CLASS MAIL

James M. Casso, Esq.
Alvarez-Glasman & Colvin
100 North Barranca Ave., Suite No. 1050
West Covina, CA 91791

Dear Mr. Casso:

As you know from your telephone conversation with Committee Counsel on July 19, 2001, pursuant to its authority under Rules X and XI of the House of Representatives, the Government Reform Committee is investigating certain pardons and commutations granted by President Clinton. In particular, the Committee is examining President Clinton's grant of clemency to Carlos Vignali. Committee staff attempted to interview you by telephone, but you declined, and requested that all questions be posed to you in writing. Accordingly, the Committee requests that you answer the following questions. For all of the following questions, the Committee is seeking information only relating to your actions after your departure from the office of Representative Esteban Torres in January 1999.

- Please describe your involvement in the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali.

- Please describe your understanding of Hugh Rodham's role in helping obtain a grant of clemency for Carlos Vignali.

- Please describe how Hugh Rodham came to be involved in the Vignali matter.

- Please describe your contacts, in any form, with Hugh Rodham, relating to the Vignali matter.

- Please describe your contacts, in any form, with Sheriff Lee Baca, relating to the Vignali matter.

- Did you ever receive any payments, or anything else of value from the Vignali family in exchange for your work on the Vignali matter? If so, describe the amount of such payments, or describe such things of value.

In addition to the foregoing, please produce to the Committee all records in your possession from February 1999 to the present relating to efforts to obtain a grant of clemency or other favorable treatment for Carlos Vignali. Please answer the questions set forth above and produce the requested items by the close of business on Wednesday, August 1, 2001. If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 25, 2001

Thomas C. Kowalski
1400 Lamont Circle
Dacula, Georgia 30019

Dear Mr. Kowalski:

Thank you for agreeing to a telephone interview with Committee staff. As I indicated in our telephone discussion earlier today, I will call you at 11:00 a.m. on Friday, July 27, 2001, to conduct the interview. I have enclosed with this letter a number of documents from the U.S. Parole Commission's files regarding Rosario Gambino. It is possible that we will reference these documents during the interview, so I wanted to make sure that you would have copies.

If you have any questions about this matter in advance of the interview, please contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Chief Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 26, 2001

The Honorable Laura S. Unger
Acting Chairman
Securities and Exchange Commission
Washington, D.C. 20549

Dear Chairman Unger:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee is examining matters relating to fundraising conducted by the William J. Clinton Presidential Foundation. The Committee hereby requests certain records.

Please provide the Committee with any records from the computer of Peter Paul which were provided to the SEC by Stan Lee Media, or by attorneys representing Stan Lee Media. Please provide the requested records by August 2, 2001. If you have any questions about this request, please have your staff contact the Committee's Deputy Chief Counsel, David A. Kass, at 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF
CONGRESSIONAL &
INTERGOVERNMENTAL
AFFAIRS

July 24, 2001

Jason Foster
Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Foster:

This supplements and amends my letter to you of July 17, 2001 which enclosed:

1. Transcript of testimony of Steven B. Mortensen, provided In the Matter of Legacy Foundation, on December 15, 1998.

2. Transcript of testimony of Paul Young, provided In the Matter of Legacy Foundation, on December 16, 1998.

3. Documents provided to the SEC staff by Dickey Morton In the Matter of Legacy Foundation.

I had said in the July 17 letter that it was our understanding, based on your assurances, that no copies will be made of these materials and that they would be returned to me at the conclusion of your review. Based on your subsequent telephone call, I now understand that the documents referred to in item 3 above do not fall within the category of documents you have promised not to copy and to return. As you and I agree, however, the item 3 documents do fall within David Becker's request of June 20; that is, they were provided to the Committee on a confidential basis, and the Commission requests that neither such documents nor the information in them will be made public without prior consultation with the Commission.

Thank you again, and please let me know should you have any further questions.

Sincerely,

Peter Kiernan
Legislative Counsel

cc: Laurie M. Stegman

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UNITED STATES
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WASHINGTON, D.C. 20549

OFFICE OF
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AFFAIRS

July 17, 2001

Jason Foster
Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Foster:

As discussed in our recent telephone conversation, please find enclosed:

1. Transcript of testimony of Steven B. Mortensen, provided In the Matter of Legacy Foundation, on December 15, 1998.

2. Transcript of testimony of Paul Young, provided In the Matter of Legacy Foundation, on December 16, 1998.

3. Documents provided to the SEC staff by Dickey Morton In the Matter of Legacy Foundation.

These sensitive, nonpublic materials are being provided to the Committee on a confidential basis pursuant to SEC General Counsel Becker's letter of June 20, 2001 to Chairman Burton (also enclosed), and we request that neither these documents nor the information in them be made public internal prior consultation with the Commission. It is our understanding, based on your assurances, that no copies will be made of these materials and that they will be returned to me at the conclusion of your review.

Thank you very much, and please let me know should you have any further questions.

Sincerely,

Peter Kiernan
Legislative Counsel

Enclosures

cc: Laurie M. Stegman

Received 7/19/01

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 25, 2001

VIA FACSIMILE AND FIRST CLASS MAIL

James M. Casso, Esq.
Alvarez-Glasman & Colvin
100 North Barranca Ave., Suite No. 1050
West Covina, CA 91791

Dear Mr. Casso:

As you know from your telephone conversation with Committee Counsel on July 19, 2001, pursuant to its authority under Rules X and XI of the House of Representatives, the Government Reform Committee is investigating certain pardons and commutations granted by President Clinton. In particular, the Committee is examining President Clinton's grant of clemency to Carlos Vignali. Committee staff attempted to interview you by telephone, but you declined, and requested that all questions be posed to you in writing. Accordingly, the Committee requests that you answer the following questions. For all of the following questions, the Committee is seeking information only relating to your actions after your departure from the office of Representative Esteban Torres in January 1999.

- Please describe your involvement in the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali.
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- Please describe how Hugh Rodham came to be involved in the Vignali matter.
- Please describe your contacts, in any form, with Hugh Rodham, relating to the Vignali matter.
- Please describe your contacts, in any form, with Sheriff Lee Baca, relating to the Vignali matter.

- Did you ever receive any payments, or anything else of value from the Vignali family in exchange for your work on the Vignali matter? If so, describe the amount of such payments, or describe such things of value.

In addition to the foregoing, please produce to the Committee all records in your possession from February 1999 to the present relating to efforts to obtain a grant of clemency or other favorable treatment for Carlos Vignali. Please answer the questions set forth above and produce the requested items by the close of business on Wednesday, August 1, 2001. If you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

JON A. SALE
BENEDICT P. KUEHNE*
*BOARD CERTIFIED
CRIMINAL TRIAL PRACTICE AND
APPELLATE PRACTICE

LAW OFFICES OF
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BANKAMERICA TOWER, SUITE 3550
100 S.E. 2ND STREET
MIAMI, FLORIDA 33131-2154
305-789-5989
305-789-5987 (FAX)
EMAIL: ben.kuehne@lawyers.com

FORT LAUDERDALE OFFICE
LAS OLAS CENTRE, SUITE 1700
350 EAST LAS OLAS BLVD.
FORT LAUDERDALE, FLORIDA 33301-2229
954-524-1114
REPLY TO:

July 27, 2001

VIA MAIL AND FAX (202-225-3974)

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GOVERNMENT REFORM
COMMITTEE

Honorable Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2167 Rayburn House Office Bldg.
Washington, D.C. 20515-6143

Attention: David A. Kass, Esq., Deputy Chief Counsel

Re: Kendall Coffey

Dear Chairman Burton:

This letter is in response to your correspondence of April 10, 2001, followed by your letter of June 12, 2001, requesting that our client, Kendall Coffey, consider participating in an interview with Committee staff. As I indicated in a telephone conversation with David A. Kass, Mr. Coffey is duty bound to abide by Mr. Braswell's assertion of the attorney-client privilege. In that regard, I spoke to Henry F. Schuelke, III, Esq., counsel for Mr. Braswell. Mr. Schuelke advised me his client does not waive the attorney-client privilege and has instructed Mr. Coffey to invoke that privilege whenever it is applicable. Mr. Schuelke requested to be present at any interview of Kendall Coffey in order to assert appropriate objections to any privileged inquiries.

As you know, Mr. Coffey previously made a voluntary submission of documents which either were not privileged or to which no privilege was asserted. With regard to Mr. Coffey's interview, the attorney-client privilege is likely to profoundly affect any area of inquiry. Accordingly, in view of these

legitimate privilege concerns which are mandated by the Rules of Professional Conduct, Mr. Coffey is unable to participate in an interview at this time.

Respectfully submitted,

SALE & KUEHNE, P.A.

Jon a. Sale

JON A. SALE

JAS/rd
cc: The Honorable Henry A. Waxman, Ranking Minority Member
Henry F. Schuelke, III, Esq.
Kendall Coffey, Esq.
S:\Firm\Coffey #974\Burton ltr.7-27-01.wpd

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 30, 2001

Hugh Rodham, Esq.
c/o Nancy Luque
Reed Smith, L.L.P.
1301 K Street, N.W., Suite 1100
Washington, D.C. 20005

Dear Mr. Rodham:

I am writing to pose to you additional questions regarding your involvement in the effort to obtain a grant of clemency for Carlos Vignali. Through your attorney, you have refused to consent to a voluntary interview, but you have indicated that you may answer written questions. While this limitation has hindered the ability of the Committee to obtain necessary information, I will pose the following questions to you in the hope of obtaining enough information to conclude the Committee's investigation.

The Role of First Lady Hillary Rodham Clinton in the Vignali Matter

1. Attachment 1 to this letter is a note taken by White House staff, which was located in a file maintained by Bruce Lindsey regarding the Vignali matter. It appears that a letter of support for Vignali from Los Angeles City Councilman Mike Hernandez was attached to the note. The note reads in relevant part: "Hugh says this is very important to him and the First Lady as well as others."

2. Did you tell anyone on the White House staff that the Vignali matter was important to the First Lady? To whom did you tell that information?

3. In light of the statement provided to the Committee by Ms. Luque in her February 28, 2001, letter that "Mr. Rodham had no contact with either President Clinton or Senator Clinton regarding either of these [Vignali or Braswell] matters," please explain why you informed anyone on the White House staff that the Vignali matter was "very important" to you and the First Lady.

4. Was Mrs. Clinton aware of your work on the Vignali matter? If so, explain how she was aware of it.

5. Did you ever discuss the fact that you were helping any individual obtain clemency with Mrs. Clinton? If so, describe the substance of those discussions.

6. Was Mrs. Clinton aware of the fact that you were helping individuals obtain grants of clemency?

7. Are you aware of any input provided by Mrs. Clinton to the President or any White House staff regarding the Vignali matter?

The Accuracy of Your Representations to the White House

8. In her February 28, 2001, letter, Ms. Luque acknowledged three contacts between you and Bruce Lindsey regarding the Vignali matter. Please describe in detail each of those contacts.

9. Ms. Luque informed the Committee that in your first discussion with Mr. Lindsey, you discussed "the merits of Mr. Vignali's petition." What were the merits that you discussed with Mr. Lindsey?

10. Did you ever tell Mr. Lindsey that anyone associated with the U.S. Attorney's Office in Minnesota supported a grant of clemency for Mr. Vignali? If so, how did you obtain this information?

11. Did you ever learn that you were mistaken, and in fact, that no one in the U.S. Attorney's Office in Minnesota supported a grant of clemency for Mr. Vignali? If so, how did you obtain this information?

12. Did you make any attempt to inform the White House that you had been mistaken in your previous representations regarding the position of individuals associated with the U.S. Attorney's Office in Minnesota?

13. The February 28, 2001, letter from Ms. Luque to the Committee acknowledges that you "submitted and discussed letters of recommendation" regarding the Vignali matter to the White House. Please list which letters of recommendation you submitted to the White House.

14. Did you inform Bruce Lindsey, or anyone else on the White House staff that any letter of recommendation contained factual inaccuracies?

15. Attachment 2 indicates that you faxed a copy of a letter from Los Angeles County Supervisor Gloria Molina to "Dawn" in Bruce Lindsey's office. Please identify "Dawn" and describe the substance of all communications with her regarding the Vignali matter.

16. The letter from Ms. Molina states that "Mr. Vignali is a young man who made a mistake in his life and is immensely remorseful and has demonstrated a genuine interest to re-join the community." Did you believe that this statement was accurate?

17. Given the fact that Carlos and Horacio Vignali have consistently maintained that Carlos Vignali was innocent of the charges for which Carlos was convicted, how had Mr. Vignali demonstrated that he was "immensely remorseful?"

18. It appears that Attachment 3, a letter from Cardinal Roger Mahony regarding the Vignali matter, was also presented to the White House by you. The letter states that "prior to his conviction, [Vignali] had no criminal record or arrests." Did you believe that this statement was accurate?

19. Did you learn at any point that Mr. Vignali indeed had two prior convictions and two other arrests?

20. Did you ever point out to the White House, Cardinal Mahony, or Horacio Vignali that the Mahony letter was inaccurate?

21. Did you have any concerns presenting to the White House a letter of recommendation which you knew to be inaccurate?

The Role of Sheriff Lee Baca in the Vignali Matter

22. Did you learn that Sheriff Lee Baca might be able to write a letter or speak to White House staff regarding the Vignali matter? If so, how?

23. Attachment 1 states in relevant part that "Sheriff Baca from LA is more than happy to speak with you about him but is uncomfortable writing a letter offering his full support." Did you relate this information to White House staff? To whom did you tell that information?

24. Who told you that Sheriff Baca was "uncomfortable writing a letter offering his full support."

25. Why was Sheriff Baca "uncomfortable" writing a letter offering his full support in the Vignali matter?

26. Did you contact Sheriff Baca at any point regarding the Vignali matter? If so, please describe the time and substance of any such communications.

The Role of Roger Clinton

27. Do you have any knowledge whether Roger Clinton was involved in helping obtain a grant of clemency for Carlos Vignali? If so, describe such knowledge.

28. Other than information received from public sources, do you have any knowledge of Roger Clinton's efforts to obtain grants of clemency for any other individuals? If so, describe such knowledge.

General

29. How did you become involved in the Vignali matter?

30. When did you first become involved in the Vignali matter?

31. Describe the role of James Casso in the Vignali matter.

Please answer these questions in writing by August 3, 2001.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

ATTACHMENT #1

THE WHITE HOUSE
WASHINGTON

Hugh says this is very important to him and the First Lady as well as others.

Sheriff Baca (from LA) is more than happy to speak with you about him but is uncomfortable writing a letter offering his full support.

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MIKE HERNANDEZ
First Council District

200 No. Main St.
City Hall East, Room 413
Los Angeles, CA 90012
(213) 485-3451 Phone
(213) 485-8907 Fax

District Office
163 S. Ave. 24
Room 202
Los Angeles, CA 90031
(213) 485-0763 Phone
(213) 485-8908 Fax

December 4, 2000

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

Mr. President:

This letter is written in hopes that you would strongly consider commuting the sentence of Carlos A. Vignali.Jr. (#02786-112), a native Californian who was convicted of drug possession and the illegal sale of narcotics in Minnesota Federal Court. Although convicted, you will hopefully note, that no evidence was presented that Mr. Vignali had any involvement with illegal narcotics prior to the last three months leading up to his arrest.

Incarcerated since 1994, Mr. Vignali, now age 29 with a young son awaiting his father's return, has no doubt learned his lesson and has willfully accepted responsibility for his actions. This is apparent in the fact that since his incarceration Mr. Vignali has remained a model prisoner. Indeed, he has obtained his GED while incarcerated and did, in fact, earn Student of the Year honors in 1996 for his efforts. Moreover, he has maintained clear conduct throughout his incarceration with absolutely no incident reports. In spite of his conviction, Mr. Vignali has remained hopeful to one day return to society as a contributing member, and has conducted himself accordingly.

Today, Mr. Vignali remains most fortunate in that throughout his ordeal, he has not lost the care of his loving family who anxiously await his return. Upon his anticipated release, you can be most assured that Mr. Vignali will continue to have this unmitigated support as he would be returning to work in the family business, a business that has been a mainstay in the local community for more than 30 years.

It is my sincerest hope that you will appreciate this appeal on behalf of Mr. Carlos A. Vignali Jr.- a young man who once erred and who today would greatly appreciate a second chance to rejoin his loved ones as a resident of our great City, Los Angeles.

Sincerely,

MIKE HERNANDEZ, Councilmember
First District

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RECYCLABLE AND MADE FROM RECYCLED WASTE

ATTACHMENT #2

RODHAM & FINE, P.A.
633 SOUTHEAST THIRD AVENUE
SUITE 4R
FORT LAUDERDALE, FLORIDA 33301

(954) 467-5440
FAX: (954) 524-5143

FAX COVER SHEET

DATE: DECEMBER 21, 2000

TO: DAWN
% BRUCE LINDSEY

FROM: HUGH RODHAM

FAX NO: 202-456-2983

RE: CARLOS VIGNALI, JR.

DAWN,

ENCLOSED PLEASE FIND A COPY OF THE LETTER WE DISCUSSED.

WE ARE TRANSMITTING 2 PAGE(S) INCLUDING THIS COVER PAGE. IF THERE ARE ANY DIFFICULTIES, PLEASE CONTACT RODHAM & FINE, P.A., AT (954) 467-5440.

THIS FACSIMILE TRANSMISSION CONTAINS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE ADDRESSEE, ANY COPYING, DISTRIBUTION OR DISCLOSURE OF THE CONTENTS HEREOF IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION BY MISTAKE, KINDLY NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN MAKE ARRANGEMENTS FOR THE RETURN AND DESTRUCTION OF THE TRANSMISSION

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MORVIS CORVIS PHONE NO. : 213 748 6332 Dec. 20 2000 04:13PM P2

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
[illegible]

GLORIA MOLINA
SUPERVISOR, FIRST DISTRICT

December 20, 2000

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

Dear President Clinton:

I respectfully request your serious consideration for the commutation of the sentence of Carlos Vignali, Jr. (Case No. 02768-112). While I usually do not write letters in support of individuals I do not know personally, I am making this request because I do know Mr. Vignali's family and have reviewed his case carefully. What I have learned is that Mr. Vignali is young man who made a mistake in his life and is immensely remorseful and has demonstrated a genuine interest to re-join the community.

While a native of California, Mr. Vignali was convicted of drug possession and illegal sale of narcotics in the Minnesota Federal District Court. Currently, he is serving a 14 year, 7 month sentence at FPC Nellis, Nevada.

According to a December 8, 2000 United States Department of Justice Federal Bureau of Prisons' Progress Report, Mr. Vignali has had, "outstanding institutional adjustment to date and has maintained clear conduct as well as outstanding work evaluations." The report further states that Mr. Vignali has worked very hard to improve himself by completing his General Educational Development Program. As a worker, the report describes Mr. Vignali as an "outstanding worker who does superior work and needs little or no supervision. His detail supervisors indicate that he handles himself in a professional manner and is a dedicated individual who takes initiative in everything he does." The report describes a young man ready and able to return as a productive member of our society.

Mr. Vignali comes from a loving and caring family who is ready to help his transition back to society. Thank you for your careful consideration of this case.

Sincerely,

GLORIA MOLINA
Supervisor, First District

GM/MS/jp

TOTAL P.02

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ATTACHMENT #3

FACSIMILE Cover Sheet

To: HUGH E. RODHAM

Company: RODHAM & FINE, P.A.

Phone: (954) 467-5440

Fax: (954) 524-5143

Date: 12/11/00

Pages: 6, including this cover sheet.

Re: CARLOS VIGNALI JR

a. Letter from Cardinal Roger Mahony

b. Progress Report as of today.

From the desk of....
H. Carlos Vignali
Morvis Corvis Corporation
P.O. Box 151255, Los Angeles, CA 90015
Phone (213) 746-7595 <> Fax (213) 748-8332
Email: MorvisCor@aol.com

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Archdiocese of Los Angeles | Office of the Archbishop (213) 637-7288 | 3424 Wilshire Boulevard | Los Angeles California 90010-2241

December 11, 2000

The Honorable William J. Clinton
President of the United States
Washington, D.C. 20500

Re: Carlos Vignali, Jr.

Dear President Clinton:

I am writing to support the request to commute the sentence of Carlos Vignali, Jr. (02786-112). While I do not personally know Carlos Vignali, Jr., I know his family and his family's friends who have shared with me the details of his arrest, trial, and conviction.

Mr. Vignali's was convicted of drug possession and the illegal sale of narcotics in the Minnesota Federal District Court. However, prior to his conviction, he had no criminal record or arrests. Mr. Vignali's family remains highly disturbed by a number of factors which influenced his trial and believe that when Carlos, Jr. loaned money to a friend, he unwittingly became connected with a narcotics ring. It is my understanding that neither drugs nor drug money was found in Carlos Vignali, Jr.'s possession. Notwithstanding these mitigating factors, he was sentenced to fourteen years and seven months in federal prison.

Throughout his incarceration, Carlos Vignali, Jr. has been a model prisoner, received his General Equivalency Diploma ("GED"), and was honored as "Student Of The Year". He has a "zero" Security Point Level and has maintained a clear record with no Incident Reports.

The granting of clemency to Carlos Vignali, Jr. is worthy of your consideration. His relatives, a very respected, active and well-known Latino family, are committed to assist Carlos, Jr. to again become a contributing member of society.

Thanking you for your review and consideration, and with every best wish, I am

Sincerely yours in Christ,

+ Roger Cardinal Mahony

His Eminence
Cardinal Roger Mahony
Archbishop of Los Angeles

cb

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INDEPENDENT

July 30, 2001

David E. Kendall, Esq.
Williams & Connolly
725 12th Street, N.W.
Washington, D.C. 20005

Dear Mr. Kendall:

I write to follow up on a telephone conversation between you and Committee staff earlier today. As explained to you in that conversation, we have been referred to you by David Fein, counsel for Eric Hothem. It is my understanding that Mr. Hothem was the point of contact for a Citibank account called E.C. 934(A). Mr. Fein has indicated that the account is affiliated with Bill and Hillary Clinton, and has referred me to you to answer any questions I might have about the account. You have requested that my questions about this matter be reduced to writing.

The Committee has received information indicating that Roger Clinton received a wire transfer of $15,000 from account E.C. 934(A) on March 23, 2001 (see Atttachment 1). Accordingly, I would like you to answer the following questions:

1. Who are the account holders for the account?

2. Why is the account called "E.C. 934(A)"?

3. Why was the contact information for the account 730 Jackson Place, N.W.?

4. Were any government funds (other than funds intended for the salary of the President), for example, funds associated with President Clinton's transition from office, deposited into this account?

5. Has Roger Clinton ever received any other payments from this account?

6. Has Roger Clinton ever made deposits into this account?

I appreciate your cooperation with this request. Please answer these questions by August

20, 2001. If you have any questions about this matter, please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Nicole Seligman, Esq.

ATTACHMENT #1

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BANK OF AMERICA CALIFORNIA          TJFULL      Run 30-MAR-2001 05:55 Page 79445
FULL TRANSACTION REPORT                         For 23-MAR-2001

<<< TRN: 010323-035253 >>>

    **** MESSAGE ENVELOPE ****              ( Bank : CAL )


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RPT#          AMT:15,000.00          CUR:USD                          TRDR#
TEST: VAL://                       TYP:FTR/     FNDS:S CHG:DB:N CD:Y COM:X CBL:X
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DBT A/021000089                        CDT *D/1095906517                ADV:LTR
CITIBANK                               ROGER CLINTON
NEW YORK, NEW YORK

SNDR REF NUM:G0010822565401            ADVICE INSTRUCTIONS:
ORDERING BNK:S/CITIUS33PBG             WRE/
CITIBANK


ORIG:
00046152341
NO. ACCOUNT- E.C. 934 (A) C/O ERIC
HOTHEM 730 JACKSON PLACE, NW


    **** MESSAGE TEXT ****


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NO. ACCOUNT E.C. 934(A)*
1600 PENNSYLVANIA AVE*
WASHINGTON DC 20500*
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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 30, 2001

VIA FEDERAL EXPRESS

Richard J. Alatorre
5332 Argus Dr.
Los Angeles, CA 90041

Dear Mr. Alatorre:

As you know from your telephone conversation with Committee Counsel on July 18, 2001, pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton. In particular, the Committee is investigating President Clinton's grant of clemency to Carlos Vignali. Therefore, the Committee requests that you answer the following questions:

1. When did you first learn about the criminal case against Carlos Vignali? From whom did you learn about the criminal case?

2. When did you first learn that Carlos Vignali was trying to challenge his conviction?

   a) From whom did you learn those facts?

   b) Did Horacio Vignali tell you anything about that effort? If so, what?

3. Precisely what, if anything, did Horacio Vignali ask you to do to assist with the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali?

4. Other than your May 28, 2001, letter in support of Carlos Vignali,

what else did you do in connection with the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali?

5. List everyone with whom you interacted in connection with assisting in the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali and describe the nature of those interactions.

6. What, if anything, of value did Horacio Vignali offer you in connection with your assistance in the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali?

7. What, if anything, of value did you receive in connection with your assistance in the effort to obtain a grant of clemency or other favorable treatment for Carlos Vignali?

8. Did you or any member of your family ever receive anything of value from Horacio Vignali? If so, list all such things of value received; the dates those items were given to you or any member of your family; and the reason those items were given to you or any member of your family.

9. Did any member of the Vignali family contribute to your political efforts, either in kind or in cash? If so, list what was contributed as well as when and why those contributions were made.

10. Did any member of the Vignali family ever contribute to your charities, included but not limited to, El Sereno Youth Development Corporation or the Feliz Navidad Project, Inc.? If so, list what was contributed as well as when and why those contributions were made.

11. Did any member of the Vignali family use, retain or hire the firm Eventually Yours (or any other business entity associated with you or any member of your family) to provide any service? If so, list what firms were used, retained, or hired and state when and why those firms were used, retained, or hired.

In addition to the foregoing, please produce to the Committee all records from 1994 to the present, in your possession, relating to efforts to obtain a grant of clemency or other favorable treatment for Carlos Vignali. Please answer the questions set forth above and produce the requested items by the close of business on Monday, August 6 2001. If

you have any questions about this request, please contact the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 30, 2001

Faith Burton
Office of Legislative Affairs
U.S. Department of Justice
Washington, D.C. 20530

Dear Faith:

It is my understanding that you have requested, on behalf of the U.S. Attorney's Office in the Southern District of New York, the response of former Prime Minister Ehud Barak to questions posed to him by Chairman Dan Burton. Enclosed are copies of Chairman Burton's requests, and Mr. Barak's response, dated May 13, 2001. Please let me know if there is any other information we can provide.

Very truly yours,

David A. Kass
Deputy Chief Counsel

National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

HAND DELIVER

August 2, 2001

Mr. David Kass
Committee on Government Reform
House of representatives
2157 Rayburn House Office Building
Washington, D.C. 20516-6143

Dear Mr. Kass:

This is the final response to a request dated June 18, 2001, received by the National Archives and Records Administration (NARA) from Chairman Burton on behalf of the Committee on Government Reform. This particular request relates to the consideration of a grant of executive clemency for Rosario Gambino. Chairman Burton's request was made pursuant to the Presidential Records Act (PRA) provision for exceptions to restricted access for either House of Congress, or a committee or subcommittee thereof. 44 U.S.C. § 2205 (2)(C). In accordance with the PRA, its implementing regulations, 36 C.F.R. §1270.46, and Executive Order 12667, NARA notified both the White House Counsel and Bruce Lindsey, the designated representative of former President Clinton, of this request.

Enclosed is one additional document relating to the Gambino matter from the files of Bruce Lindsey (OA 24830). On July 27, 2001, NARA provided the committee with other responsive documents from this particular file.

Pursuant to your prior discussions with the White House Counsel's Office, we are not providing four responsive documents located by the Clinton Presidential Materials Project that contain internal Government deliberations.

If you have any questions relating to access or to this request, please do not hesitate to contact me or Amy Krupsky at (301) 713-6025.

Sincerely,

GARY M. STERN
General Counsel

Enclosure

Meeting w/ R.C. 2/19

Rosario Gambino AB 53 years old - Terminal Island FCI

~~2 [illegible]~~ denied

1980 - acquitted →

③ 1984 - convicted → { pled guilty - drugs - No.5
5 co-defendants
45 years - ↓

distribution of 'one kilo' of heroin

① 1980 - charged in U.S. AB acquitted

② Charged and convicted in Italy - absentia

"They" said he had an atty -

He says - affidavit - never had an attorney -

{ 52 - 80 months - probation officer set
100+ months AB eligible for parole

Category 7 or 8 -

initial setting

Harry Dwyer

charged during sentence → parole examiner set

→ release date at 148 months - July 16, 199

20 supervised parole

→ one minor infraction - "shot" - while in prison

12
12) 148
12
28
24
4

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3 co-defendants released - 34 years
1 co-defendant - parole pending - "Frasno"
(Rosario's sister married)

2 Notices of Action → Parole Commission - denied

① first time - organized crime → "proven" was not a relative of Carlo Gambino

② appealed → second hearing on "organized crime" charge - govt. "admitted" no ties of organized crime - some examiner - but raised Italy charge → "[illegible]" conviction - → Second Notice of Action - he was "kingpin" of group -

Documents

① Parole Guideline Data - 11/20/84
② ~~Prosecution~~ Presentation Report - '84
③ Gambino First Hearing - Dwyer
④ Spatola Parole Hearing -
- Antonio Gambino
- Antonio Spatola
⑤ Notice of Action - Antonio Gambino
⑥ Notice of Action - Anthony Spatola

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(7/13/94)

(7) Notice of Action — Erasmo Gambino

(8) Notices of Action — Rosario Gambino

(9) Second Hearing → an organized crime issue & "There is no evidence by a preponderance of the evidence that RG was a member of organized crime —

(10) ~~Letters~~ Memo →

Michael Stowers — counsel → Mike Gaines
↳ improper →

Roger Clinton —

— Erasmo Gambino — 8 to 6
— Spotulo — 8 to 7
— R. Gambino — 7 to 8

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ReedSmith LLP

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

August 2, 2001

RECEIVED
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COMMITTEE

VIA FEDERAL EXPRESS

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

I just received your letter dated July 30, which requests that my client, Hugh Rodham, respond by August 3, 2001. Because my client is currently on vacation and I am not in contact with him, I have not yet had a chance to show him your letter, let alone discuss it with him. Accordingly, it will be impossible to accommodate your request for an immediate response.

I will forward your letter as soon as practicable, and we will respond once I have had a chance to discuss the matter with Mr. Rodham

Thank you in advance for your cooperation.

Sincerely,

Nancy Luque

1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
202.414.9200
Fax 202.414.9299

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 16, 2001

His Excellency
Ehud Barak
c/o Israel Labor Party
110 Ha'yarkon Street
Tel Aviv 61032
Israel

Dear Mr. Barak:

Thank you for responding to my previous letter of March 8, 2001. I appreciate your cooperation with the Committee's investigation.

Since we last communicated, my staff has reviewed transcripts of telephone conversations between you and President Clinton relating to the pardon of Marc Rich. These transcripts raise important questions regarding the Marc Rich matter. A copy of our verbatim notes of these transcripts is attached. I respectfully request that you answer the following questions about your telephone conversations with President Clinton.

(1) On December 11, 2000, in what appears to have been your first telephone conversation with President Clinton concerning Marc Rich, President Clinton stated, "I know about that case because I know his ex-wife. She wants to help him, too. If your ex-wife wants to help you, that's good." Did you have any other discussions or communications with President Clinton about Marc Rich's ex-wife, Denise Rich? If so, please tell the Committee when and where any such conversation occurred, and what was the substance of the conversation(s).

(2) Did you know that Mr. Rich was filing his pardon petition with the White House on December 11, 2000, the same day as your telephone conversation with President Clinton?

(3) On January 8, 2001, in what appears to have been your second telephone conversation with President Clinton concerning Marc Rich, you brought up the matter again. In response, President Clinton stated, "I know quite a few things about that. I just got a long memo and am working on it. It's

best that we not say much about that." To this, you responded, "Okay. I understand. I'm not mentioning it in any place." Please explain what you understood was the reason that you should "not say much" about the Marc Rich case over the telephone with President Clinton.

(4) Also during the January 8, 2001, telephone conversation, you stated to President Clinton, "I believe it could be important [gap] not just financially, but he helped Mossad on more than one case." Please explain why you believed a pardon of Marc Rich could be important financially. For whom did you believe the pardon would be important financially?

(5) Did you have any reason to believe that the pardon of Mr. Rich could be important financially to President Clinton or his Library?

(6) January 19, 2001, appears to have been your final telephone conversation with President Clinton on the Rich pardon. During that conversation, President Clinton stated, "Here's the only problem with Rich; there's almost no precedent in American history. There's nothing illegal about it but there's no precedent." Upon hearing this, did you believe that Mr. Rich would not be receiving a pardon?

(7) The White House notes make it appear that President Clinton, not you, raised the Rich case in the January 19, 2001, conversation. Is that accurate?

Thank you for again taking the time to answer my questions. Your responses will be of great assistance in helping the Committee complete its investigation. Please do not hesitate to contact me at (202) 225-2276 or have your staff contact the Committee's Chief Counsel at (202) 225-5074. On behalf of the Committee, I again extend my gratitude for your continuing cooperation on this matter.

Respectfully,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
The Honorable Mary Jo White

Att. (2 pages)

VERBATIM NOTES OF NON-REDACTED PORTIONS OF TRANSCRIPTS OF CLINTON/BARAK CONVERSATIONS
From late-2000 and early-2001

(1) December 11, 2000, 6:17 – 6:36 p.m. (in the Residence):

(notetakers: Jenny McGee, Sean Tarver, Deana Sutliff, Rob Hargis, John Sherman)

(begins with 3 pages of redactions)

Prime Minister Barak: Okay, thank you. One last remark. There is an American Jewish businessman living in Switzerland and making a lot of philanthropic contributions to Israeli institutions and activities like education, and he is a man called Mark [sic] Rich. He violated certain rules of the game in the United States and is living abroad. I just wanted to let you know that here he is highly appreciated for his support of so many philanthropic institutions and funds, and that if I can, I would like to make my recommendation to consider his case.

President Clinton: I am going to take all of them up at the same time. I know about that case because I know his ex-wife. She wants to help him, too. If your ex-wife wants to help you, that's good.

Prime Minister Barak: Oh. I know his new wife only, an Italian woman, very young. Okay. So, Mr. President, thank you very much. We will be in touch.

(redactions to end at page 5)

(2) January 8, 2001, 5:57 – 6:15 p.m. (in the Oval Office):

(notetakers: Joel Ehrendreich, Clark Lystra, Brad Mynatt, Michael Manning, Bob Schubert)

(begins with 4 pages of redactions)

Prime Minister Barak: Let me tell you last but not least two names I want to mention. [Redacted] The second is Mark [sic], the Jewish American.

President Clinton: I know quite a few things about that. I just got a long memo and am working on it. It's best that we not say much about that.

Prime Minister Barak: Okay. I understand. I'm not mentioning it in any place.

President Clinton: I understand.

Prime Minister Barak: I believe it could be important [gap] not just financially, but he helped Mossad on more than one case.

President Clinton: It is a bizarre case, and I am working on it.

Prime Minister Barak: Okay. I really appreciate it.

(1 paragraph redacted at the end)

(3) January 19, 2001, 2:47 – 3:09 p.m. (in the Oval Office):

(interpreter: Gamal Helal; notetakers: Don Gentile, Bob Schubert, Rob Willans, Rob Hargis, John Sherman)

(begins with 1 1/2 pages redacted)

President Clinton: [Redacted] I'm trying to do something on clemency for Rich, but it is very difficult.

Prime Minister Barak: Might it move forward?

President Clinton: I'm working on that but I'm not sure. I'm glad you asked me about that. When I finish these calls, I will go back into the meeting on that but I'm glad you raised it. Here's the only problem with Rich; there's almost no precedent in American history. There's nothing illegal about it but there's no precedent. He was overseas when he was indicted and never came home. The question is not whether he should get it or not but whether he should get it without coming back here. That's the dilemma I'm working through. I'm working on it.

Prime Minister Barak: Okay.

(1 1/2 pages redacted to the end)

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EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

August 20, 2001

David A. Kass, Esq.
Deputy Chief Counsel
Committee on Government Reform
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Kass:

This will respond to your questions expressed in our telephone conversation on July 30 and in the letter dated the same day, signed by the Chairman.

The account is a personal Citibank account of former President and Senator Clinton. The transfer you inquire about was a loan by President Clinton to his brother so that he might retain counsel to represent him in the Committee's and other investigations. Mr. Roger Clinton is represented by Bart Williams, Esq., of the Munger, Tolles firm in Los Angeles (213-683-9295).

Sincerely,

David E. Kendall

cc: Hon. Henry A. Waxman, Ranking Minority Member
David B. Fein, Esq.
Bart H. Williams, Esq.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 21, 2001

Bank of America
Subpoena Processing Unit #5473
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P.O. Box 3609
Los Angeles CA 90051

To Whom It May Concern:

Pursuant to the Committee's July 27, 2001, subpoena, please produce all records called for by the subpoena relating to transactions in excess of $499.00, for the period January 20, 1993, to February 13, 1998 (excluding those records previously produced to the Committee).

Please produce these records as soon as possible, and if necessary, on a rolling basis. If you have any questions about his matter, you may contact me or the Committee's Deputy Chief Counsel, David Kass, at (202) 225-5074.

Sincerely,

Jason A. Foster
Counsel

ReedSmith

Nancy A. Luque • 202.414.9408 • nluque@reedsmith.com

August 23, 2001

VIA FACSIMILE

Mr. David Cass
107th Congress
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Subpoena of Hugh Rodham

Dear Mr. Cass:

I received a copy of the subpoena to my client, Mr. Rodham, for certain records. As you know from our conversation earlier this week, Mr. Rodham is vacationing and I have not been able to discuss the subpoena, which is returnable August 27, 2001, with him. This is to request that the committee provide Mr. Rodham with additional time to respond.

Thank you for your consideration and assistance.

Sincerely,

Nancy Luque

cc: Hugh Rodham
Danleigh Halfast

1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
202.414.9200
Fax 202.414.9299

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 24, 2001

Nancy Luque, Esq.
Reed Smith, L.L.P.
1301 K Street, N.W.
Washington, D.C. 20005

Re: Subpoena for Hugh Rodham

Dear Ms. Luque:

I write in response to your letter of August 23, 2001, in which you requested an extension for Mr. Rodham's response to the Committee's subpoena of August 20, 2001. It is my understanding that Mr. Rodham is currently on vacation, and therefore has not had the opportunity to fully discuss the subpoena with you. Therefore, please consider Friday, September 7, 2001, as the new deadline for compliance with the subpoena. If you have any questions, please contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Chief Counsel

27.AUG.2001 19:48 AGAF ERUIM 972 3 6961664 NO.105 P.1/1



אהוד ברק
Ehud Barak

Chairman Dan Burton
Committee on Government Reform
2157 Ray burn House Office Building
Congress of The US
House of Representative
Washington, DC 20515-6143
U.S.A

August 26,2001

Dear Chairman Burton.

Hereby attached are my answers to your questions:

To question #1: No, I didn't.
To question # 2: No, I didn't.
To question # 3: I assumed the President wanted that issue to be left for his own consideration.
To question # 4: In conversations between President Clinton and myself I described more than once, the financial support of Mr. Rich to Health , Education and Culture in Israel, and added, more than once, that Mr. Rich helped Israel not just financially but he helped Mossad in more than one case.
To question # 5: No, I didn't.
To question # 6: I couldn't know and I didn't know.
To question # 7: I cannot recall. Pleas look into the full transcript from the White House.

Respectfully
E. Barak
Ehud Barak

DAN BURTON, INDIANA,
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DIANE E. WATSON, CALIFORNIA

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 27, 2001

Pincus Green
Chamerstrasse 12
Zug CH 6304
Switzerland

Dear Mr. Green:

As you likely know, the Committee on Government Reform is conducting an investigation into the pardons which you and Marc Rich obtained on January 20, 2001. The Committee is attempting to obtain all possible information regarding the means by which you and Mr. Rich obtained the pardons. Mr. Rich, and a number of people associated with Mr. Rich have declined to cooperate with the Committee's investigation. Your cooperation with the Committee would potentially assist the Committee's investigation. Therefore, I request that you participate in an interview with Committee staff.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074, to make arrangements for the interview.

Sincerely,

Dan Burton

Dan Burton
Chairman

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August 27, 2001

Hon. Dan Burton
Chairman, Committee on Government Reform
Congress of the United States
2157 Rayburn House Office Building
Washington, DC 20515-6143

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COMMITTEE

Re: Your Letter of July 25, 2001 to James M. Casso, Esq.

Dear Congressman Burton:

This office represents Mr. Casso in connection with your Committee's investigation of the commutation to Carlos Vignali, Jr., granted by President Clinton. Accordingly, please address all future written or oral communications concerning this matter to this office, rather than to Mr. Casso directly.

With respect to your July 25th letter, unfortunately, Mr. Casso is unable to provide you with the requested information.

Very truly yours,

Mark E. Overland
SHAPIRO, BORENSTEIN & DUPONT LLP

MEO:pap

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ATTORNEYS AT LAW

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LONNIE ANNE PERA

DIRECT DIAL (202) 973-7913
lapera@zsrlaw.com

August 29, 2001

BY FACSIMILE AND MAIL

Mr. Pablo Carrillo
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Carrillo:

As you requested, we are enclosing a copy of the November 7, 2000 letter from Mr. Roger C. Adams, former attorney at the U.S. Department of Justice.

Sincerely,

ZUCKERT, SCOUTT & RASENBERGER, L.L.P.

By: Lonnie Anne Pera
Lonnie Anne Pera

Attorneys for Vivian Mannerud

Enclosure

U.S. Department of Justice

Pardon Attorney

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

Lonnie Anne Pera, Esq.
Zuckert Scoutt & Rasenberger, L.L.P.
888 Seventeenth Street, N.W.
Washington, D.C. 20006-3309

Dear Ms. Pera:

This is in reference to your letter of October 4, 2000, forwarding to this office at the request of your client, Ms. Vivian Mannerud, the application for presidential pardon submitted by Ms. Mannerud's father, Mr. Fernando Fuentes Coba. Mr. Coba's petition recounts that he was convicted of conspiring to transport goods and equipment to Cuba and was sentenced to a one-year prison term and a $10,000 fine, that following the exhaustion of his appeals, he failed to surrender to serve his sentence, and that in 1985, he fled the United States for Mexico, where he has lived ever since.

I must inform you that under the regulations governing petitions for executive clemency and the well-established policies under which this office processes clemency requests, Mr. Coba is ineligible to apply for a presidential pardon. Pursuant to 28 C.F.R. § 1.2 (copy enclosed), "[n]o 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 . . . ." Because Mr. Coba has served none of his prison sentence, he fails to meet this most basic eligibility requirement for pardon consideration. Moreover, the Department of Justice has consistently declined to accept pardon petitions from individuals, such as Mr. Coba, who are fugitives, since the pardon process assumes the Government's ability to implement either of the President's possible decisions regarding a petition – that is, a denial of clemency as well as a grant of clemency. Put another way, it is not reasonable to allow a person to ask that the President grant him a pardon which, if granted, would have the effect of eliminating the term of imprisonment to which he has been sentenced, while at the same time insulating himself from having to serve the sentence if the pardon is denied. Finally, even if Mr. Coba were not a fugitive, his lengthy domicile outside the United States would preclude consideration of his pardon request. As a matter of well-established policy, the Department of Justice generally does not process pardon applications from non-residents of the United States because foreign residence presents significant difficulties to the conduct of the necessary background investigation into an applicant's post-conviction life.

Given the circumstances presented by Mr. Coba's case, this office is unable to process his pardon petition. We therefore will take no action upon it.

Sincerely,

Roger C. Adams

Roger C. Adams
Pardon Attorney

Enclosure

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; notification of victims; recommendations to the President.

[redacted] Notification of grant of clemency.

1.8 Notification of denial of clemency.

1.9 Delegation of authority.

1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States Court.

1.11 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, [redacted]pt for petitions relating to [redacted]ary 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; notification of victims; 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 or 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)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

(i) That a clemency petition has been filed;

(ii) That the victim may submit comments regarding clemency; and

(iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph (b), "victim" means an individual who:

(i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the

commission of the crime for which clemency is sought (or, in the case of an individual who dies or was [redacted]dered incompetent as a direct and [redacted]limate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and

(ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph (b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) 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 [redacted]sting his or her recommendation to [redacted]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 [redacted]ich a sentence of death has been [redacted]posed, 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 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this § 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

§ 1.11 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.

Published in the FEDERAL REGISTER of the National Archives of the United States, October 18, 1993, Vol. 58, No. 199, at pages 53658 and 53659; as amended by a publication in the FEDERAL REGISTER of the National Archives of the United States, August 8, 2000, Vol. 65, No. 153, at page 48381; and as amended by a publication in the FEDERAL REGISTER of the National Archives and Records Administration of the United States, September 28, 2000, Vol. 65, No. 189, at pages 58223 and 58224, 28 CFR 1.1 *et seq.* See also 28 CFR 0.35

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 30, 2001

James D. Lyon
Trustee in Bankruptcy
209 East High Street
Lexington, Kentucky 40507

Re: Documents Relating to J.T. Lundy

Dear Mr. Lyon:

I write in response to your letter of August 17, 2001. As you know, the Committee has been investigating a number of issues relating to grants of clemency by former President Clinton. In the course of its investigation, the Committee has obtained information relating to J.T. Lundy. It is my understanding that certain documents obtained by the Committee relating to Mr. Lundy may be of interest to your investigation.

In response to your request, I enclose documents numbered RCC0004 through RCC0012, which were produced to the Committee by Roger C. Clinton in response to a Committee subpoena. I have consulted with the Ranking Minority Member of the Committee, who has no objection to this release. If you anticipate releasing these documents to the public in the course of your investigation, I request that you contact Committee staff prior to the release.

If you have any questions about this matter, please feel free to contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

Attachments

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 5, 2001

Dr. John Katopodis
Council on Cooperating Governments
P.O. Box 252
Birmingham, AL 35201

Dear Dr. Katopodis:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain offers to obtain grants of executive clemency from former President Clinton. In furtherance of that investigation, I hereby request that you produce the following records to the Committee:

1. All records relating to Roger Clinton including, but not limited to, audio recordings of conversations with Roger Clinton;
2. All records relating to Larry Wallace; and
3. All records relating to any effort to have Federico Pena or Rodney Slater speak at a conference involving the Council on Cooperating Governments.

Please provide the requested records by close of business on September 12, 2001. If you have any questions about this request, please contact Committee Counsel Jason Foster at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Ranking Minority Member

Holme Roberts & Owen LLP

VIA FACSIMILE AND U.S. MAIL

September 6, 2001

David Kass
Deputy Chief Counsel
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-5074
(202) 225-5127 – *fax*

Re: Crawford Subpoenas

Bruce F. Black
(303)866-0477
blackb@hrc.com

Attorneys at Law
1700 Lincoln Street
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Denver, Colorado
80203-4541
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Salt Lake City
Boulder
Colorado Springs
London

Dear Mr. Kass:

I write in response to the subpoenas duces tecum issued by your office on August 29, 2001 to Victoria Crawford and Crawford Management.

First, regarding the subpoena directed to Ms. Crawford as an individual, production of the documents referenced therein is protected by the Fifth Amended, pursuant to Fisher v. United States, 425 U.S. 391 (1976). Putting aside, for now, privilege issues regarding individual documents, the very act of producing the documents necessarily contains testimonial aspects protected by the Fifth Amendment, specifically the existence of any documents, their possession and control, the belief that the papers produced are responsive to the subpoena, as well as authentication of any documents produced. See Fisher at 410-12.

Second, in response to the subpoena directed to Crawford Management, a general partnership, Ms. Crawford and her partner hereby assert their Fifth Amendment act-of-production privilege pursuant to Bellis v. United States, 417 U.S. 85 (1974) and United States v. Slutsky, 352 F. Supp. 1105 (S.D.N.Y. 1972). These cases recognize that whether a person can assert Fifth Amendment privileges in response to a subpoena directed at such common interest entities turns on the facts of each individual case. See 352 F. Supp at 1107.

As in the Slutsky case, the facts show that Crawford Management is not "'so impersonal in the scope of its membership and activities that it cannot be said to embody or represent the purely private or personal interests of its constituents'"

Holme Roberts & Owen LLP

and, thus, the Crawford Management partners can invoke their personal Fifth Amendment protections. Id. (quoting United States v. White, 322 U.S. 694, 701 (1944)).

Crawford Management consists solely of two individuals. Crawford has neither its own, separate office nor any employees aside from the two partners. See Slutsky, 352 F. Supp. at 1107-08. Also, Crawford Management has been a partnership only since 2000, prior to which it was Ms. Crawford's sole proprietorship. Moreover, the Crawford Management partners are the only two individuals who can write checks in the name of Crawford. Finally, the Crawford Management partners are the only ones who are familiar with the daily business affairs of Crawford Management. See 352 F. Supp. at 1107.

Thus, Vicki Crawford and her partner in Crawford Management respectfully assert their Fifth Amendment rights, and decline to produce the requested documents.

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

Sincerely yours,

Bruce F. Black

BFB:mrg

ReedSmith

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

September 7, 2001

VIA FACSIMILE

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Subpoena to Hugh Rodham

Dear Chairman Burton:

Enclosed please find documents responsive to the referenced Committee Subpoena.

In addition, you have asked that Mr. Rodham answer the questions set forth in your July 30 letter pertaining to his former client, Carlos Vignali. Mr. Rodham does not believe it appropriate to answer those questions concerning Mr. Vignali's matter, absent Mr. Vignali's consent.

It is important, however, to point out that in the series of questions labeled "the Accuracy of your Representations to the White House," what you actually seek is information about the *accuracy of the representations of others*. Mr. Rodham never knowingly presented inaccurate information to the White House Counsel's office, or to anyone else.

Mr. Rodham has authorized me to answer your questions about Hillary Rodham Clinton's alleged "role" in the matter, as well as those questions related to Roger Clinton.

Mr. Rodham did not advise Senator Clinton of his work on the Vignali matter either directly or indirectly at any time. He did not discuss with her the fact that he was assisting anyone in obtaining clemency and, to his knowledge, she was completely unaware of it. Consequently he knows of no "input provided by Mrs. Clinton to the President or any White House staff" regarding the matter, and he cannot conceive of how, under the circumstances, that

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Reed Smith refers to Reed Smith LLP and related entities.

could have occurred. Finally, Mr. Rodham did not tell anyone that "the Vignali matter" was important to Senator Clinton and, it was not.

Mr. Rodham has no knowledge whatsoever of Roger Clinton's "efforts to obtain grants of clemency" for Mr. Vignali or any other individual.

Please call me should you have any additional questions about this matter.

Sincerely,

Nancy Luque

cc: Honorable Henry A. Waxman (via facsimile)
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 7, 2001

Peter Kiernan, Esq.
Legislative Counsel
Securities and Exchange Commission
450 5th Street, N.W.
Washington, DC 20549

Dear Mr. Kiernan:

Please find enclosed deposition transcripts provided to the Committee by your office. I am returning them to you pursuant to the terms of the agreement under which they were provided.

If you have any questions, please contact me at (202) 225-5074.

Sincerely,

Jason A. Foster
Counsel

Enclsosure

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 21, 2001

Hugh Rodham, Esq.
c/o Nancy Luque
Reed Smith, L.L.P.
1301 K Street, N.W., Suite 1100
Washington, D.C. 20005

Dear Mr. Rodham:

Thank you for your response of September 7, 2001, to the Committee's August 20, 2001, subpoena. Your response gives rise to several questions, which I set forth below, in accordance with your suggestion that you will answer written questions in lieu of being voluntarily interviewed by Committee staff.

1. The records that you provided to the Committee indicate that on February 23, 2001, the Reed Smith law firm repaid Glenn Braswell $230,000 on your behalf. I understand that these funds were used to repay Mr. Braswell the amount of money he originally paid you for your services in connection with President Clinton's grant of clemency.

   a) Did you provide Reed Smith with the $230,000 it refunded to Mr. Braswell?

   b) Did any other individual provide Reed Smith with the funds used to repay Mr. Braswell? If so, who and why?

   c) If Reed Smith paid the $230,000 to Mr. Braswell without reimbursement from you or anyone acting on your behalf, please explain the arrangement whereby Reed Smith loaned these funds to you.

2. The records that you provided to the Committee indicate that on February 21, 2001, the Reed Smith law firm paid the Morvis Corvis Corporation, a company operated by Horacio Vignali, $50,000 on your behalf.

a) Why did Reed Smith pay Morvis Corvis only $50,000, when Horacio Vignali paid you at least $204,200 for your services?

b) Do you, or Reed Smith, intend to refund the remaining $154,200 to Horacio Vignali or Morvis Corvis? If so, when?

d) Did you provide Reed Smith with the $50,000 it refunded to Mr. Vignali?

e) Did any other individual provide Reed Smith with the funds used to repay Mr. Vignali the $50,000? If so, who and why?

f) If Reed Smith paid the $50,000 to Mr. Vignali without reimbursement from you or anyone acting on your behalf, please explain the arrangement whereby Reed Smith loaned these funds to you.

Please answer these questions by Friday, September 28, 2001. If you have any questions regarding this letter, feel free to contact either Deputy Chief Counsel David A. Kass or Counsel Pablo E. Carrillo.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

09/24/2001 12:10 PM [illegible]

ReedSmith

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

September 24, 2001

VIA FACSIMILE

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Hugh Rodham's 9/7/01 response to subpoena

Dear Chairman Burton:

Your letter of September 21, 2001 was received in my office, by facsimile, on September 21, 2001. Please be advised that I am out of the office and in California on emergency family leave. It is uncertain when I will return. However, it will not be before Monday, October 1, 2001.

I will contact David Cass, of your staff, as soon as I return to the District of Columbia and to work.

Thank you for your consideration.

Sincerely,

Nancy Luque/nsb

Nancy Luque
(dictated but not read)

cc: Hugh Rodham (by facsimile)
Honorable Henry A. Waxman (via facsimile)

1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
202.414.9200
Fax 202.414.9299

Delaware
New Jersey
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"Reed Smith" refers to Reed Smith LLP and related partnerships.

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October 5, 2001

FAX TRANSMISSION

TO: JASON FOSTER, ESQ.
FAX #: (202) 225-5127
FROM: RICHARD A. ROSENZWEIG, ESQ.
RE: LISA GAMBINO

As we discussed, we represent SI Bank & Trust f/k/a Staten Island Savings Bank (the "Bank").

The Bank is in receipt of the Committee's demand/subpoena for documents.

First, the time to respond is extended until October 16, 2001 and can be adjourned further if necessary. I presume that upon providing the documents, the appearance will be waived. Please advise if this is incorrect.

Second, pursuant to 12 USC 3401 et seq, and particularly 3403(b), the Bank can not release any documents until it receives a written certification from you that you have complied with the Acts, or some authority exempting your agency.

Third, I note that ¶¶ 6 and 7 of your "Definitions and Instruction" section are really questions not demands for documents, and thus, can not be complied with in the form requested.

Finally, once the above issues are resolved, the Bank will timely comply.

cc: Kristen Bellante

O:\DOCS\CHR\CASES\RETAINER\foster.fax

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INDEPENDENT

October 9, 2001

Richard A. Rosenzweig, Esq.
Hall & Hall, LLP
57 Beach Street
Staten Island, NY 10304-0002

Dear Mr. Rosenzweig:

I have received your letter of October 5, 2001, regarding our discussions of the Committee's October 2, 2001, subpoena to your client, Staten Island Bank & Trust ("the Bank").

First, we did agree to extend the time to respond by one week, from October 9, 2001, to October 16, 2001, as an accommodation to the Bank. We are not, however, prepared to consider extending the deadline any further without a showing by the Bank of good cause for further delay. If you wish to request a further delay, submit your request in writing by close of business Friday, October 12, 2001, so that the Committee may have ample time to consider the request and provide a decision prior to the October 16, 2001, deadline. Also, please be advised that no appearance is necessary, and that provision of the documents by close of business on the day of the deadline is sufficient.

Second, this will serve as the written certification that you requested pursuant to 12 U.S.C. § 3403(b). We have complied with all "applicable provisions" of Chapter 35. Since the statute is inapplicable to the Committee on Government Reform, such a certification is not required by law. We are providing it, however, as a further accommodation to the Bank. The U.S. House of Representatives and its committees do not fall within the definition of 'government authority' in 12 U.S.C. § 3401(3). This conclusion is supported by *Hubbard v. United States*, 514 U.S. 695 (1995), in which the Court held that, absent evidence of contrary Congressional intent, the terms "department or agency of the United States" refer only to executive branch entities. There is no evidence that the terms "department or agency of the United States," as used in § 3410(3), were intended to depart from this ordinary meaning. On the contrary, the statutory context of Chapter 35, which refers to administrative and judicial subpoenas, but makes no mention of Congressional subpoenas, confirms that the Right to Financial Privacy Act does not apply to Congress or Congressional committees. Moreover, this

Committee has issued dozens of subpoenas to financial institutions and has consistently taken this position. Thus far, every bank has agreed.

Third, your assertion regarding paragraphs 6 and 7 of the subpoena's definitions and instructions that they "cannot be complied with in the form requested" are troubling. Paragraph 6 contains an unambiguous request that you identify and provide information about any responsive records that have been lost or destroyed, and paragraph 7 explains the procedures necessary to properly lodge a claim of privilege before the Committee when withholding responsive documents. Subpoenaed parties should clearly notify the Committee if they intend to withhold documents on the basis of privilege, or if they have destroyed or lost responsive records. Please, inform the Committee if it is the Bank's intention to deviate from these basic procedures.

Sincerely,

Jason Foster

Jason A. Foster
Counsel

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INDEPENDENT

October 10, 2001

VIA FIRST CLASS MAIL AND FACSIMILE: (305) 536-4675

Tom Mulvihill, Esq.
US Attorney's Office, Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132

Dear Mr. Mulvihill:

Several weeks ago we discussed general concerns you had regarding the Committee's investigative interest in Marilyn J. Parker, who I understand is also a key cooperating witness in a major public corruption case that you are prosecuting in the Southern District. As I indicated during our conversation, the Committee's interest in Ms. Parker relates only to her relationship with Tony Rodham and their activities regarding clemency petitions submitted to President Clinton prior to his transition from office. We concluded our conversation with the understanding that, after you considered the facts and your evidentiary obligations to the criminal defendants in your public corruption case, I was to hear from you as to whether you had any specific concerns regarding the Committee's interest in Ms. Parker. In light of that understanding, I agreed to forbear temporarily from going forward with an interview of Ms. Parker. But, I have not heard from you, despite having left numerous messages with your office.

I understand that you are currently involved in investigations relating to terrorism, and therefore understandably distracted from the matter which we discussed. However, I wanted to take all possible steps to ensure that the Committee did not interfere with the Justice Department's public corruption case in Miami. Therefore, I would certainly like to hear any specific concerns that you might have regarding the Committee's interest in Ms. Parker before we go forward with our investigation. Accordingly, please call me at (202) 225-5074 at your nearest convenience. If I happen to be unavailable, feel free to speak with Deputy Chief Counsel, David A. Kass.

Sincerely,

Pablo E. Carrillo
Counsel

John G. Hall *
Thomas J. Hall *

Lainie R. Fastman
Julie Hall Ferednia *
Richard A. Roscnzweig ‡
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October 11, 2001

VIA FAX (202) 225-3974
Jason Foster, Esq.
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Foster:

I am in receipt of your October 9, 2001 letter. I reiterate that SI Bank & Trust (f/k/a Staten Island Savings Bank) always complies with the Government to the best of its ability, and intends to do so here. However, I must disagree with your definition of government "agency" and "department." It is not limited to to the Executive Branch. It applies to the IRS (to a certain extent), the FBI, the U.S. Attorney, OTS and others. We do not wish a battle with you, but by the same token we must protect the Bank from exposure to liability from its customers.

It is our position that you do come under the Act. For example 12 USC 3401 (3) defines "Government Authority" as "any agency of department of the United States, or any officer, employee or agent thereof." Certainly your office fits with this broad definition. A simple perusal of the annotations under 12 U.S.C.A. §3405 reflects that the Act applies to the Defense Department, office of Inspector General, SEC, Labor Department, FHLB. Section 12 U.S.C.A. 3413 lists exceptions to the Act, such as the General Accounting office, but I do not see your office listed. But even if you cosider your demand to be administrative, you must give notice to the customer under *Dawar v. U.S. Department of Housing*, 820 F. Supp. 554 (D. Kan. 1993).

I have read *Hubbard* which you cited. It exempted Courts from the definition of U.S. departments or agencies, not your office, I do not understand your interpretation.

Finally, we need some definitive "on point" authority exempting your office from the Act, or certification of actual compliance, to release the documents. I recommend adjourning the due date, in order to resolve this.

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I await your reply.

Yours truly,

Richard A. Rosenzweig

cc: Peggy Ganini

NICKIE MARI LUM

FACSIMILE TRANSMITTAL SHEET

TO: Pablo Carillo	FROM: Nickie Lum
COMPANY: House Comm. On Government Reform	DATE: 10/9/2001
FAX NUMBER: 202 225 5074	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 202 225 3974	SENDER'S REFERENCE NUMBER: N/a
RE: 24th September Subpoena for info.	YOUR REFERENCE NUMBER: N/a

X URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:
In response to the 2 subpoenaed items requested:

1) I have no such records to obtain a presidential grant of clemency for Gene or Nora Lum.
2) I don't have any relevant records and any other records I may have with regards to Mr. Rodham I regard as attorney-client privilege.

10983 BLUFFSIDE DRIVE # 6207 STUDIO CITY, CA 91604

Oct-15-01 02:52P P.01

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Thomas J. Hall*

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THANK YOU.

Total number of pages, including this sheet 1

FAX NUMBER TRANSMITTED TO: (202) 225-3974

To: JASON FOSTER, ESQ.
From: RICHARD A. ROSENZWEIG, ESQ.

Date: October 15, 2001

COMMENTS:

I have not heard from you regarding my October 11, 2001 letter. While we are still trying to resolve this issue, we need to adjourn the response date, which is tomorrow. Please advise.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY

G:\DOCS\CY\RCASES\RETAINER\foster fax2

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INDEPENDENT

October 15, 2001

Richard A. Rosenzweig, Esq.
Hall & Hall, LLP
57 Beach Street
Staten Island, NY 10304-0002

Dear Mr. Rosenzweig:

I have received your October 11, 2001, letter. I hope that the unwillingness of Staten Island Bank and Trust ("the Bank") to comply with the Committee's lawful subpoena is, in fact, a symptom of a good faith misunderstanding of the law. If so, then I am confident that the following, more complete explanation of our position will elicit prompt compliance.

As a threshold matter, I understand that your primary concern is to protect the Bank from any potential liability arising under the Right to Financial Privacy Act ("the Act"). We have no desire to force the Bank unnecessarily to expose itself legally. Likewise, as we continue to work toward a solution in this matter, I ask that you carefully consider the implications for Congress if the Committee were to accede to your position. We simply cannot allow the Bank (and by precedent, any other financial institution) to escape its legal obligation to comply with Congressional subpoenas by exaggerating its legal obligations to its customers.

As I explained in our conversation, we have no objection to the Bank's notifying the customer of the Committee's subpoena. We have attempted to accommodate the Bank as much as possible consistent with preserving our ability to fulfill our Constitutional responsibility to conduct oversight investigations. First, we agreed to extend the deadline for compliance. Then, we provided you with the certification you requested pursuant to 18 U.S.C. § 3403(b).[1] That written certification is contained in the second sentence of the third paragraph of my October 9, 2001, letter to you. It was clear, unqualified, and conformed to the specific language contained in the statute. You should not dismiss the significance of that certification so lightly, as it provides the protection for the Bank that you claimed to seek. It is troubling that after having received this statutory certification,

[1] "A financial institution shall not release the financial records of a customer until the Government authority seeking such records certifies in writing to the financial institution that it has complied with the *applicable provisions* of this chapter." 18 U.S.C. § 3403(b) (emphasis added).

you have now shifted ground and are seeking something else — effectively, a new precondition of compliance with the Committee's subpoena. Your insistence on a "certification of actual compliance" is one which the statute itself does not require and you have no lawful authority to demand. As you know, the statute requires merely a certification of compliance with the "applicable provisions" of the chapter. There is nothing in the statute that obligates the Bank to look beyond the face of the certification to judge its legal validity. If you are aware of any definitive "on point" authority to the contrary, let me know and I would be happy to review it. In the absence of such authority, your concern for the Bank's potential liability as to the customer seems unreasonably out of proportion to your concern for the Bank's exposure to a potential contempt resolution for non-compliance with the Committee's subpoena. Your insistence on this extra-statutory certification of "actual compliance" is essentially a demand that the Committee admit that it is a "department or agency of the United States" and, consequently, that all provisions of the Act are "applicable." Such an admission would be false, and it would be unnecessary even from the Bank's perspective. Nothing in the statute requires that the Bank obtain a written certification that explains with particularity which provisions, if any, are applicable or why.

Nonetheless, I will attempt to explain in more detail why none of the provisions of the Act apply to the Committee on Government Reform. 12 U.S.C. § 3402 prohibits access to financial records by any "government authority" except as provided in the statute.[2] 12 U.S.C. § 3401 (3) defines government authority as an "agency or department of the United States."[3] While not defined more specifically in Title 12, the U.S. Code does provide a definition of the word "department." A department is "one of the executive departments enumerated in section 1 of Title 5, *unless the context shows* that such term was intended to describe the executive, *legislative*, or judicial branches of the government."[4]

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[2] § 3402 reads:

> Except as provided by section 3403(c) or (d), 3413, or 3414 of this title, no Government authority may have access to or obtain copies of, or the information contained in the financial records of any customer from a financial institution unless the financial records are reasonably described and —
>
> (1) such customer has authorized such disclosure in accordance with section 3404 of this title;
>
> (2) such financial records are disclosed in response to an administrative subpena or summons which meets the requirements of section 3405 of this title;
>
> (3) such financial records are disclosed in response to a search warrant which meets the requirements of section 3406 of this title;
>
> (4) such financial records are disclosed in response to a judicial subpena which meets the requirements of section 3407 of this title; or
>
> (5) such financial records are disclosed in response to a formal written request which meets the requirements of section 3408 of this title.

[3] "'Government authority' means any agency or department of the United States, or any officer, employee, or agent *thereof*." 18 U.S.C. 3401(3) (emphasis added).

[4] 18 U.S.C. § 6 (emphasis added). The departments listed at section 1 of Title 5 are The Department of State, The Department of the Treasury, The Department of Defense, The Department of Justice, The Department of the Interior, The Department of Agriculture, The Department of Commerce, The Department of Labor, The Department of Health and Human Services, The Department of Housing and Urban Development, The Department of Transportation, The Department of Energy, The Department of Education, and The Department of Veterans Affairs. Agency is defined as "any department, independent establishment, commission, administration, authority, board or bureau of the United States or any

In the context of Title 12, Chapter 35, the structural framework of the statute, viewed in its entirety, makes perfectly clear that legislative branch subpoenas were not contemplated in the statutory scheme. There is a general prohibition, absent customer consent, against the disclosure of records to an agency or department. The statute provides only four methods of escaping the prohibition and disclosing records: pursuant to § 3405 (administrative subpoenas), § 3406 (search warrants), § 3407 (judicial subpoenas), or § 3408 (formal written requests). None of these sections allow disclosure pursuant to Congressional subpoena, and each one of them specifically requires a nexus to a law enforcement inquiry. As you surely know, Congress enacts laws; it does not enforce them. Enforcing laws is the province of the executive branch, at which the statute is plainly directed. Congress does, however, have a Constitutional obligation to conduct oversight and legislative fact-finding investigations. Its power to compel document production in such investigations is a well-established necessity in order to carry out its Constitutional function.[5] For one to accept your construction of the statute, he would have to believe that by enacting the Financial Right to Privacy Act, Congress intended to strip itself of the power to compel the production of bank records in the conduct of a fact-finding investigation because it is not relevant to a law enforcement inquiry. Such an interpretation would be an absurdity, and nothing in the legislative history of the Act supports it.

A closer look at the sections of the statute with which you ask us to certify "actual compliance" reveals how each one is incomprehensible in the context of a Congressional subpoena. I would invite you to explain to me what precisely we are supposed to do in order to "actually comply." First, consider the administrative subpoena provisions in § 3405 that you seemed to suggest we follow with your reference to *Dawar v. the U.S. Department of Housing*. Apart from the obvious incongruity of discussing administrative subpoena procedures while engaging in a dispute with a legislative rather than an administrative body, there is a more practical problem. The department or agency is supposed to provide a copy of the subpoena along with a notice "which shall state with reasonable specificity the nature of the law enforcement inquiry."[6] We do not conduct law enforcement inquiries. We are therefore unable to describe any such inquiry with any level of specificity. The next two provisions, § 3406 and § 3407, are obviously inapplicable since they deal with search warrants and judicial subpoenas respectively. The only remaining provision is § 3408 dealing with formal written requests. It is also inapplicable because it is only available to a department or agency where no, "subpoena authority reasonably appears to be available."[7] Obviously, that is not the case here, given that a Congressional subpoena issued under the authority of House Rule XI(2)(m).

Furthermore, should notice issue and should the customer wish to challenge a Congressional subpoena, the statutory remedy of injunctive relief from a court, as set

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corporation in which the United States has a proprietary interest, *unless the context shows* that such term was intended to be used in a more limited sense." 18 U.S.C. § 6 (emphasis added).

[5] *E.g.*, *McGrain v. Daugherty*, 272 U.S. 135 (1927).

[6] 12 U.S.C. § 3405 (2).

[7] 12 U.S.C. § 3408 (1).

forth in § 3410, would be insufficient because judicial injunctions against the issuance of Congressional subpoenas are unconstitutional. In 1975, the Supreme Court ruled in *Eastland v. United States Serviceman's Fund* that the Speech or Debate Clause of the Constitution provides, "an absolute bar to interference" with such Congressional compulsory process.[8] Just three years later in 1978, Congress enacted § 3410, providing an injunctive relief remedy against subpoenas to financial institutions from departments or agencies of the United States. Clearly, it did not intend that the statute apply to Congressional subpoenas. To suggest otherwise would mean that Congress provided a statutory remedy that it had recently and successfully opposed on Constitutional grounds.

Attempting to squeeze the square peg of a Congressional subpoena into the round hole of this statutory framework is a clumsy exercise leading to absurd or inconclusive results. However, in the light of *Hubbard v. United States* and subsequent amendments to the U.S. Code, the futility of the exercise becomes clear. The *Hubbard* court wrote of the expansionist interpretation you espouse:

> And while we have occasionally spoken of the three branches of our Government, including the Judiciary, as "department[s]," . . . that locution is not an ordinary one. Far more common is the use of "department" to refer to a component of the Executive Branch.[9]

In 1996, as a response to *Hubbard*, Congress amended the provision of the code at issue, replacing the phrase "department or agency of the United States" with "the executive, legislative, or judicial branch of the Government of the United States."[10] The purpose of the amendment was to broaden the applicability of the statute, in light of *Hubbard*:

> In *Hubbard*, the Court held that Section 1001 did not apply to the judicial branch, and by implication, to the legislative branch of the Federal Government. The purpose of H.R. 3166 is to ensure that Section 1001 applies to the judicial and legislative branches as well as the executive branch, thereby ensuring the integrity of legislative and judicial functions and proceedings.[11]

No such amendment was adopted with respect to the use of the phrase "department or agency of the United States" in other parts of the code, such as Title 12, Chapter 35. Accordingly, these words should be read consistently with 18 U.S.C § 6 and *Hubbard* (i.e. according to their ordinary meaning and more expansively only if the context of the statute demands it).

Your letter, however, exhibits no signs of a good faith interpretation based on these common sense principles. Rather, it asserts that "I must disagree with your definition of government 'agency' and 'department.' It is not limited to the Executive Branch." You

---

[8] *Eastland v. United States Serviceman's Funds*, 421 U.S. 491, 503-507 (1975).
[9] *Hubbard v. United States*, 514 U.S. 695, 699 (1995) (citation omitted).
[10] False Statements Accountability Act of 1996, Pub. L. No. 104-292 (18 U.S.C. § 1001).
[11] H.R. REP. NO. 104-680 at 4 (1996).

then cite, as if in support, several entities to which the Act applies including the FBI and U.S. Attorneys. The astonishing implication appears to be that these are not executive branch entities. At the risk of stating the obvious, that is untrue. The FBI and U.S. Attorneys are, of course, core executive branch, law enforcement entities within the Department of Justice, a "department" listed in Section 1 of Title 5. You then cite the absence of Congress from the list of exceptions in § 3413 as somehow conclusive. Again, however, it is elementary that no "exception" is necessary. Congress is plainly not a "department or agency of the United States" within the ordinary meaning of those words and nothing else in the context or structure of the statute indicates that the legislative branch was contemplated. Accordingly, there is no requirement from which Congress needs to be excepted.

Finally, I would note that your second letter did not again raise the issue of paragraphs 6 and 7 of the subpoena's definitions and instructions. In my previous correspondence, I requested that you clarify whether the Bank is willing to comply with the procedures set forth in those paragraphs. That request still stands. The deadline for production of documents also stands.[12] I trust that the Bank will now promptly and fully comply with its legal obligations under the duly authorized subpoena issued to it on October 2, 2001. If the Bank is still unwilling to comply by the October 16, 2001, deadline, please call me as soon as possible so that we can discuss this matter further. I assure you that we are willing to continue working with you and to consider any proposed accommodations that do not permanently affect our ability to compel the production of bank records from other financial institutions in the future. Please feel free to call me on my direct line at (202) 225-3048.

Sincerely,

Jason A. Foster
Counsel

cc: Harry P. Doherty
Chairman & CEO
15 Beach Street
Staten Island Bank & Trust
Staten Island, NY 10304

[12] Due to various terrorist acts, mail and courier delivery to the Capitol has been temporarily interrupted. However, you will be deemed to be in compliance with the Committee's subpoena by mailing the responsive records on October 16, 2001.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 16, 2001

Nicole M. Lum
10983 Bluffside Dr., Apt. 6207
Studio City, CA 91604

Dear Ms. Lum:

Thank you for your October 10, 2001, reply to the Committee's subpoena of September 24, 2001. Regarding the first category of subpoenaed items, you have stated that you have no records relating to efforts to obtain a presidential grant of clemency for Gene or Nora Lum. Therefore, no further action is required regarding that category.

However, regarding the second category of subpoenaed items, which requires the production of all records relating to Hugh Rodham, you cite relevance as a basis for withholding production of those documents to the Committee. That response is unsatisfactory. Relevance cannot be cited as a basis for withholding records relating to Hugh Rodham from the Committee. Accordingly, please produce all documents responsive to the subpoena no later than Monday, October 22, 2001.

I understand that you are also withholding documents relating to Hugh Rodham on the basis of attorney-client privilege. Schedule A of the subpoena instructs that "[w]hen invoking a privilege ... as a ground for withholding any responsive record ..., list each [such] record ... by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation." The subpoena also requires you to "indicate the privilege or reason asserted with respect to each record ... in sufficient detail to ascertain the validity of the claim of privilege or other reason." Accordingly, in addition to the documents you actually produce, please produce a privilege log describing each document you are withholding from the Committee on the basis of privilege, no later than Monday, October 22, 2001. If you have any questions, feel free to call me at your convenience at (202) 225-5074.

Sincerely,

Pablo E. Carrillo
Counsel

PABLO CARILLO: 202 225-3974

Received your letter today - I guess my building had signed for it last week, but I wasn't aware of it until this week... Sorry. Obviously missed your request for response date - leaving town for business until the 4th of November & will not be able to respond until then.

Thank you & Sorry -

Its been Crazy -

Nickie Lum

S. tried to call, but couldnt live msg.

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INDEPENDENT

October 26, 2001

VIA FEDERAL EXPRESS

Mr. & Mrs. Gene K.H. Lum
525 East Seaside Way, No. 408
Long Beach, CA 90802

Dear Mr. and Mrs. Lum:

On September 24, 2001, this Committee sent to you subpoenas requesting that you produce documents associated with efforts to obtain a presidential grant of clemency for the both of you and your relationship to Hugh Rodham. I understand that you were successfully served soon thereafter. Under that subpoena, production of those documents was due no later than October 8, 2001. However, this Committee has not yet received those documents. I have left you several phone messages in an attempt to ascertain whether you intend to produce documents required under the subpoena. Nonetheless, none of my messages have been returned.

Please call me as soon as possible at (202) 225-5074 to discuss the matter described above. I appreciate the possibility that you might have already sent to the Committee the documents sought by its subpoena, but that recent national events might have held up your production in the mail. If this is so, please call me to confirm that you have in fact produced the required documents.

Sincerely,

Pablo E. Carrillo
Counsel

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INDEPENDENT

November 7, 2001

VIA FEDERAL EXPRESS

Mr. & Mrs. Gene K.H. Lum
525 East Seaside Way, No. 408
Long Beach, CA 90802

Dear Mr. and Mrs. Lum:

As you know, this Committee is investigating, pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, certain pardons and commutations sought from former President Clinton. In connection with that investigation, this Committee has sought from you certain records. On September 24, 2001, this Committee issued to you subpoenas requiring the production of those records no later than October 7, 2000. On September 26, 2001, a United States Marshal successfully served you with those subpoenas. However, after having accepted service, you have failed to produce any of the required records. As my letter of October 26, 2001, indicated, I have left you several telephone messages in an attempt to determine whether you intend to respond to the Committee's subpoenas. You have not responded either to my telephone messages or that October 26th letter, which invited you to call me immediately.

Your refusal to cooperate with the Committee's investigation is disappointing. However, as you know without doubt, a subpoena is compulsory process. In this case, if you fail to comply with the Committee's subpoenas, the Committee may consider enforcing its subpoenas through a contempt of Congress citation. Accordingly, you need to contact me immediately at (202) 225-5074 about the matter described above.

Sincerely,

Pablo E. Carrillo
Counsel

ReedSmith

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

November 7, 2001

VIA FACSIMILE

Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

Your letter of September 21, 2001 asked several questions concerning records provided to the Committee on September 7, 2001 by Reed Smith, LLP, on behalf of Hugh Rodham. As you are already aware, those records demonstrate that Reed Smith forwarded refunds to two of Mr. Rodham's former clients, Messrs. Braswell and Vignali. Please be assured that Mr. Rodham was the source of the funds that were forwarded, and that it was my decision, and my decision alone, that Mr. Rodham communicate with his former clients through counsel.

Thank you for your patience in awaiting this response.

Sincerely,

Nancy Luque

cc: Hugh Rodham
The Honorable Henry A. Waxman, Ranking Minority Member

1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
202.414.9200
Fax 202.414.9299

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"Reed Smith" refers to Reed Smith LLP and related entities

reedsmith.com

TRANSMITTAL MEMO

Date: 11/14/2001 Total number of page(s), including cover sheet: 3

To: Pablo Carrillo, Esq

Company/Organization: Redrun Comm.

Fax Number: (202) - 225 3974 Telephone: _____

From: Gene Lum

If you do not receive all the page(s), please contact us at (818) 623-6828.

COMMENTS/MESSAGE:

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the recipient, or employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you for your assistance.

November 14, 2001

Mr. Pablo Carrillo, Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn house Office Building
Washington, DC 20515

Dear Mr. Carrillo,

Please be advised that I do not have any records which you have subpoenaed under a subpoena duces tecum dated September 24, 2001 regarding the pardon request by the undersigned.

Yours truly,



Gene K.H. Lum
525 E. Seaside Way, # 408
Long Beach, Ca. 90802

Sent via fax to: (202) 225-3974

November 14, 2001

Mr. Pablo Carrillo, Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn house Office Building
Washington, DC 20515

Dear Mr. Carrillo,

Please be advised that I do not have any records which you have subpoenaed under a subpoena duces tecum dated September 24, 2001 regarding the pardon request by the undersigned.

Yours truly,

Nora T. Lum
525 E. Seaside Way, # 408
Long Beach, Ca. 90802

Sent via fax to: (202) 225-3974

FACSIMILE TRANSMITTAL SHEET

TO: Pablo Carillio	FROM: Nickie Lum
COMPANY: Burton Committee	DATE: 11/13/01
FAX NUMBER: 202 225 3974	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 202 225 5074	SENDER'S REFERENCE NUMBER: N/a
RE: **Requested info**	YOUR REFERENCE NUMBER: N/a

☑ URGENT ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

In response to your letter dated October 16, 2001:

To clarify my prior response, none of the records I have regarding Mr. Rodham are responsive to your subpoena (September 24, 2001).

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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 27, 2001

VIA FIRST CLASS MAIL AND FACSIMILE

Andres Rivero, Esq.
Sullivan, Rivero & Chase
Miami Center
201 South Biscayne Blvd., Suite 1450
Miami, FL 33131

Dear Mr. Rivero:

It was a pleasure speaking to you on Monday, November 19, 2001. Thank you for agreeing to accept, on M.J. Parker's behalf, service of the Committee's subpoena by fax. Please produce the documents requested by the subpoena no later than Wednesday, December 5, 2001.

As we discussed this morning, Ms. Parker's interview with Committee staff will be conducted by telephone on Friday, December 5, 2001, at 11:00 a.m. Assistant U.S. Attorney Anita Gay indicated that she and/or Tom Mulvihill will be available to participate in that interview. I will initiate the telephone call. If you have any questions about this matter, feel free to contact me, or Deputy Chief Counsel David Kass, at (202) 225-5074.

Sincerely,

Pablo E. Carrillo
Counsel

cc: Assistant U.S. Attorney Anita Gay (via first class mail and facsimile)

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INDEPENDENT

November 27, 2001

VIA FIRST CLASS MAIL AND FACSIMILE (818) 623-8215

Nicole M. Lum
10983 Bluffside Dr., Apt. 6207
Studio City, CA 91604

Dear Ms. Lum:

Thank you for your facsimile, dated November 13, 2001, in reply to my letter of October 16, 2001, and my repeated phone calls over the following weeks, inquiring as to whether you intended to respond satisfactorily to the Committee's September 24, 2001, subpoena.

In your original response, dated October 10, 2001, regarding the subpoena's request relating to Hugh Rodham, you stated that "[you] [didn't] have any relevant records and any other records [you] may have with regards to Mr. Rodham [sic] [you] regard as attorney-client privilege." In "clarifying" your original position, in response to my October 16th letter, you no longer cite attorney-client privilege as a basis for withholding documents from the Committee. If you have chosen to waive the privilege, please expressly do so no later than Monday, December 3, 2001. If you are not waiving the privilege and are withholding documents from the Committee on that basis, please produce by that same date a privilege log, as instructed in Schedule A of the subpoena and further described in my October 16th letter.

Of greater concern to me than your inadequate assertion of privilege is your current position that "none of the records [you] have regarding Mr. Rodham are responsive to [the Committee's] subpoena." The Committee's subpoena clearly requires "all records relating to Hugh Rodham." Paragraph 2 of the subpoena provides that, "[f]or purposes of this subpoena, the term[ ] . . . 'relate' . . . as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records." Thus, *any* record you have relating to Hugh Rodham is responsive to the Committee's request regarding Mr. Rodham. Accordingly, please produce to the Committee all non-privileged records responsive to the

Committee's subpoena no later than Monday, December 3, 2001. If you have any questions, contact me, or Deputy Chief Counsel David Kass, immediately at (202) 225-5074.

Sincerely,

Pablo E. Carrillo
Counsel

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INDEPENDENT

November 28, 2001

VIA FIRST CLASS MAIL AND FACSIMILE

Andres Rivero, Esq.
Sullivan, Rivero & Chase
Miami Center
201 South Biscayne Blvd., Suite 1450
Miami, FL 33131

Dear Mr. Rivero:

I understand from your associate, Cheryl Potter, that M.J. Parker has no documents responsive to the Committee's November 26, 2001, subpoena. As I requested of Ms. Potter, please provide the Committee with written certification of that fact.

Also, I confirm that, due to Ms. Parker's unavailability on Friday, December 7, 2001, we agree to reschedule our telephone interview of Ms. Parker for Wednesday, December 12, 2001. By copy of this letter to Anita Gay, I confirm her availability for that date to attend that interview. I will initiate the telephone call. If you have any questions about this matter, feel free to contact me, or Deputy Chief Counsel David Kass, at (202) 225-5074.

Sincerely,

Pablo E. Carrillo
Counsel

cc: Assistant U.S. Attorney Anita Gay (via facsimile only)

FACSIMILE TRANSMITTAL SHEET

TO: Pablo Carillo	FROM: Nickie Lum
COMPANY:	DATE: 12/6/01
FAX NUMBER: 225 5127	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 202 225 5074	SENDER'S REFERENCE NUMBER: N/a
RE:	YOUR REFERENCE NUMBER: N/a

☑ URGENT ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

To further clarify my earlier responses and your inquiry, the answer is "No."

Thank you.

10983 BLUFFSIDE DRIVE # 6207 STUDIO CITY, CA 91604

Fax:8186258215 Dec 0 01 10:02 P.01

FACSIMILE TRANSMITTAL SHEET

TO: Pablo Carrillo	FROM: Nickie Lum
COMPANY: Committee on Govt Reform	DATE: 11/13/01
FAX NUMBER: 202 225 5127	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 202 225 5074	SENDER'S REFERENCE NUMBER: N/a
RE:	YOUR REFERENCE NUMBER: N/a

☑ URGENT ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

10983 BLUFFSIDE DRIVE # 6207 STUDIO CITY, CA 91604

December 6, 2001

VIA FACSIMILE

Pablo Carillo
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Carillo:

It appears that you have misunderstood my previous responses to the Committee's subpoena. I do not waive any privilege that might apply to any document requested by your subpoena, however, because I have no such documents, the question of attorney-client privilege is moot.

I am not ``withholding documents from the committee,'' period.

Sincerely,

Nickie Lum

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December 7, 2001

VIA FIRST CLASS MAIL AND FACSIMILE (818) 623-8215

Nicole M. Lum
10983 Bluffside Dr., Apt. 6207
Studio City, CA 91604

Dear Ms. Lum:

On December 6, 2001, I left you a voicemail asking you to clarify your responses to the Committee's subpoena by informing me whether you had *any* documents relating to Hugh Rodham. In response to that question, you faxed a reply, indicating simply, "To further clarify my earlier responses and your inquiry, the answer is 'No.'" But, on August 28, 2001, you characterized your association with Mr. Rodham as a "business relationship" and, on November 13, 2001, you stated that "none of the records I have regarding Mr. Rodham are responsive to your subpoena." Those assertions gave rise to my belief that you did, in fact, have documents relating Mr. Rodham.

With this letter, I confirm your response to my December 6th inquiry to mean that, despite your earlier characterizations, you have absolutely no documents relating to Hugh Rodham. If I am mistaken in my understanding, you must contact me or Deputy Chief Counsel David Kass, at (202) 225-5074, immediately. However, if I am not mistaken, this concludes the matter and no further communication is required. In either case, thank you for your cooperation.

Sincerely,

Pablo E. Carrillo
Counsel

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INDEPENDENT

December 10, 2001

VIA FACSIMILE ONLY (918) 584-7846

Joel L. Wohlgemuth
Norman Wohlgemuth Chandler & Dowdell
2900 Mid Continent Tower
Tulsa, Oklahoma 74103

Dear Mr. Wohlgemuth:

As you know, this Committee is investigating, pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, certain pardons and commutations sought from former President Clinton. In connection with that investigation, this Committee seeks certain records. Accordingly, please produce (1) all records in your custody relating to efforts to obtain a presidential grant of clemency for Gene and/or Nora Lum, and (2) all records in your custody relating to Hugh Rodham. Please produce those records no later than Friday, December 14, 2001.

If you withhold any records responsive to this request on the basis of privilege, please produce a privilege log. Feel free to call Pablo E. Carrillo, Counsel, at (202) 225-5074, if you have any questions.

Sincerely,

Dan Burton

Dan Burton
Chairman

SULLIVAN RIVERO & CHASE
A PROFESSIONAL ASSOCIATION

ANDRÉS RIVERO
ALLAN J. SULLIVAN*
DAVID R. CHASE
JORGE A. MESTRE
CHERYL L. POTTER

* ALSO ADMITTED MASS.

201 S. BISCAYNE BLVD.
MIAMI CENTER
SUITE 1450
MIAMI, FLORIDA 33131

TELEPHONE (305) 371 7781
FACSIMILE (305) 371 6983

Direct Dial Number

December 12, 2001

By Facsimile and U.S. Mail

Pablo E. Carrillo, Esq.
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Marilyn J. Parker

Dear Mr. Carrillo:

This letter confirms that the telephone conference with Andrés Rivero, Anita Gay and Marilyn J. Parker is scheduled for Tuesday, December 18, 2001 at 9:00 a.m.

Please call me if you have any questions.

Very truly yours,

Cheryl L. Potter

cc: Anita Gay, USAO (by facsimile)
Marilyn J. Parker (by facsimile)

1113.01\LTR 2 P.CARRILLO 12.12.01

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INDEPENDENT

December 17, 2001

Joseph E. diGenova, Esq.
Victoria Toensing, Esq.
diGenova & Toensing
901 15th Street, N.W., Suite 430
Washington, D.C. 20005

Arthur B. Culvahouse
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555 13th Street, N.W.
Washington, D.C. 20004

Fred Fielding, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Andrew Zausner, Esq.
Dickstein Shapiro Morin & Oshinsky L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037

Dear Sirs:

As you know, earlier this year, the Committee on Government Reform requested a number of documents from Jack Quinn, Arnold & Porter, Piper Marbury Rudnick & Wolfe, and Dickstein Shapiro Morin & Oshinsky, relating to the Marc Rich and Pincus Green pardons. You produced a number of records in response to those requests, but you also withheld a number of records based on attorney-client privilege and the work product protection.

I have read the December 13, 2001, opinion by Judge Denny Chin in *In re Grand Jury Subpoenas dated March 9, 2001*. In his opinion, Judge Chin overruled your claims of privilege, and granted the U.S. Attorney's Office motion to compel. It is my understanding that in the next several days, the U.S. Attorney's Office for the Southern District of New York will submit a proposed order to the Court, and I assume that soon thereafter, you will provide responsive documents to the grand jury.

Given the fact that Judge Chin found, in short, that the work of Marc Rich's lawyers in lobbying for a pardon was not "legal advice," and therefore was not entitled to the attorney-client privilege or work product protection, you are clearly obligated to produce a number of additional records to the Committee. Therefore, I hereby request that you provide to the Committee all records which you provide to the grand jury or U.S. Attorney's Office as a result of the Court's December 13, 2001, decision. Please provide the requested records no later than one day after the records are provided to the grand jury or U.S. Attorney's Office.

If you have any questions about this matter, please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Denny Chin, United States District Judge
The Honorable Mary Jo White, U.S. Attorney, Southern District of New York
The Honorable Henry A. Waxman, Ranking Minority Member

John G. Hall *
Thomas J. Hall *

Lainie R. Fastman
Julia Hall Perednia *
Richard A. Rosenzweig ‡
Kenneth T. Tiangco ‡
John Vander Neut ‡‡
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Charles J. D'Arrigo
of Counsel

Facsimiles
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Real Estate 718-447-3438
Estates 718-447-2761
Commercial 718-876-0867
Litigation 718-420-0393

* Also Admitted in New Jersey
‡ Also Admitted in Connecticut
‡‡ Also Admitted in Massachusetts

October 15, 2001

VIA FEDEX
Jason Foster, Esq.
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

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DEC 20 2001
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GOVERNMENT REFORM

Re: Subpoena relative to SIBT checks

Dear Mr. Foster:

Based upon and in reliance upon your October 15, 2001 and prior letters, we are hereby providing all of the documents, responsive to your subpoena.

Yours truly,

Richard A. Rosenzweig

cc: Harry Doherty (w/o encl.)
Janet Marmo (w/encl.)

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NORMAN WOHLGEMUTH CHANDLER & DOWDELL
ATTORNEYS AT LAW
2900 MID-CONTINENT TOWER
TULSA, OKLAHOMA 74103-4023
TELEPHONE (918) 583-7571
FAX (918) 584-7846
E-MAIL: jlw@nwcdlaw.com

JOEL L. WOHLGEMUTH

December 21, 2001

The Honorable Dan Burton, Chairman
Committee on Government Reform
Congress of the United States
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Burton:

Pursuant to your letter of December 12, 2001, I enclose all records in my custody that come within the purview of your request.

Please let me know if I can be of further assistance, or if you need any additional explanation.

Sincerely,

Joel L. Wohlgemuth

JLW/nh
Enclosure
cc: Pablo E. Carrillo, Esq. (w/enc.)

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 828-2259
E-Mail Address: ZausnerA@dsmo.com

February 5, 2002

VIA COURIER

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Dickstein Shapiro Morin & Oshinsky LLP

Dear Chairman Burton:

Pursuant to your written request dated December 17, 2001, I am enclosing a copy of the documents our firm produced yesterday to the U.S. Attorney's Office for the Southern District of New York.

Sincerely,

L. Andrew Zausner

LAZ/lgw

Enclosures

Cc: The Honorable Henry A. Waxman, Ranking Minority Member, w/enclosures

O'MELVENY & MYERS LLP

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February 5, 2002

OUR FILE NUMBER
031265-001

WRITER'S DIRECT DIAL
202-383-5388

WRITER'S E-MAIL ADDRESS
aculvahouse@omm.com

BY HAND DELIVERY

The Honorable Dan Burton
Chairman, Committee on Government Reform
2157 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515-6143

Re: ***Document Production on Behalf of Arnold & Porter***

Dear Chairman Burton:

Enclosed herewith are documents that are responsive to your letter of December 17, 2001, requesting certain records from our client, Arnold & Porter. In your letter, you "request[ed] that you provide to the Committee all records which you provide to the grand jury or U.S. Attorney's Office as a result of the Court's December 13, 2001, decision." Our client, Arnold & Porter, did not receive a grand jury subpoena in the matter now pending in the Southern District of New York and was, therefore, not subject to the Court's December 13, 2001, decision. However, Kathleen A. Behan – who is a partner at Arnold & Porter – did receive a subpoena for documents in her individual capacity, and on February 4, 2002, she produced documents (bates numbered KB0001 through KB 0963) in accordance with Judge Chin's order.

Consistent with our ethical obligations, we contacted Mr. Marc Rich's counsel to determine whether Mr. Rich would authorize Arnold & Porter's disclosure of privileged documents to the Committee. On January 31, 2002, we received a letter from Mr. Rich's counsel, Laurence A. Urgenson of Kirkland & Ellis, "confirm[ing] that Robert Fink has spoken with both Marc Rich and Pincus Green, and Messrs. Rich and Green have authorized your client to disclose these records in compliance with the Burton Committee's request." We have this date received from Ms. Behan's counsel a copy of Ms. Behan's production to the grand jury, and are hereby transmitting a copy of that production to you.

Should you have any questions about this matter, please do not hesitate to contact me at (202) 383-5388, or Jeremy Bash of this office at (202) 383-5376.

Very truly yours,

A. B. Culvahouse Jr. JBB

Arthur B. Culvahouse, Jr.
of O'MELVENY & MYERS LLP

ABC:jbb

Enclosures

cc: The Honorable Henry Waxman, Ranking Minority Member (w/o attachments)
James Wilson, Esq., Chief Counsel (w/o attachments)
James Sandman, Esq., Arnold & Porter (w/o attachments)

DC1:502351.1

diGENOVA & TOENSING, LLP
ATTORNEYS-AT-LAW

February 7, 2002

David Kass
Deputy Chief Counsel
Committee on Government Reform
Rayburn House Office Building
Independence Ave. & S. Capitol St., SW
Room 2157
Washington, DC 20515

Dear Mr. Kass:

This letter transmits the Quinn document production. Per our conversation of today, I have redacted private/cell telephone and social security numbers, and have retained a log of those redactions. By messenger I have sent a copy of these documents to Michael Yeager, Minority Counsel. Please call if you have any questions.

Sincerely,

Victoria Toensing

901 15TH STREET, N.W. • SUITE 430 • WASHINGTON, DC 20005
202-289-7701 • 202-289-7706 (FAX)

Wiley Rein & Fielding LLP

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

Fred F. Fielding
202.719.7320
ffielding@wrf.com

February 8, 2002

HAND DELIVERED

Mr. James C. Wilson
Chief Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Document Production on behalf of Robert Fink

Dear Jim:

Enclosed are all the Robert Fink/Piper Marbury documents I am advised were provided to the Southern District of New York pursuant to the order of Judge Chin.

Sincerely,

Fred F. Fielding

Enclosures

LAW OFFICES
STILLMAN & FRIEDMAN, P.C.
425 PARK AVENUE
NEW YORK, N.Y. 10022

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JULIAN W. FRIEDMAN
PAUL SHECHTMAN
PETER A. CHAVKIN
SCOTT M. HIMES
MARJORIE J. PEERCE
JOHN B. HARRIS
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NATHANIEL Z. MARMUR
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SAMANTHA J. LEVENTHAL
KATHRYN A. MEYERS
PATIENCE E. ATKIN
CATHARINE F. EASTERLY
KARIN KLAPPER

TELEPHONE
(212) 223-0200
TELECOPIER
(212) 223-1942

FED EX

February 4, 2002

Fred F. Fielding, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006-2304

Re: Document Production on behalf of Robert Fink and Piper Marbury

Dear Mr. Fielding:

Enclosed are all of the Robert Fink/Piper Marbury documents which today we are providing to the Southern District of New York pursuant to the order of Judge Chin.

Sincerely,

Peter Chavkin

/pac
Enclosures

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 19, 2002

Joseph E. diGenova, Esq.
Victoria Toensing, Esq.
diGenova & Toensing
901 15th Street, N.W., Suite 430
Washington, D.C. 20005

Dear Mr. diGenova and Ms. Toensing:

As you know, on December 17, 2001, I requested that Jack Quinn and three law firms working for Marc Rich produce additional documents to the Committee. I have now received a number of documents from Mr. Quinn and others in response to that request. The documents produced to the Committee raise a number of new questions I would like to address to Mr. Quinn. Therefore, I request that Mr. Quinn participate in an interview with Committee staff regarding his work on the Marc Rich and Pincus Green matter. I would appreciate it if the interview could be scheduled to take place in the next week.

Please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074, to schedule a time for the interview. Thank you for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

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[redacted]E, SOUDER, INDIANA
[redacted]H C. EATONRETTE, OHIO
[redacted]BARR, GEORGIA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 20, 2002

Ogden Service Center
P.O. Box 9941
Ogden, UT 84409

Dear Ms. Thompson:

The House Committee on Government Reform requests a copy of IRS Form 990 for the year 1998 for the following organization:

G and P Charitable Foundation
New York, NY 10017
EIN 13-3916689.

Thank you for your time.

Sincerely,

Matthew Rupp

Matthew Rupp

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CHAIRMAN

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 20, 2002

Nicole M. Lum
10983 Bluffside Dr., Apt. 6207
Studio City, CA 91604

Dear Ms. Lum:

As you know, the Government Reform Committee is investigating efforts by your family to obtain pardons for Gene and Nora Lum from President Clinton. On August 28, 2001, Committee staff called you, seeking your participation in an interview in connection with that investigation. At that time, you indicated that you would be unwilling to talk to the Committee without having your attorney present. However, on Tuesday, February 12, 2002, and Friday, February 15, 2002, Committee staff left you telephone messages asking to interview you with your attorney present. You have not returned those telephone messages.

Please contact Counsel Pablo E. Carrillo at (202) 225-5074 no later than Monday, February 25, 2002, to make arrangements for a telephone interview. Thank you, in advance, for your cooperation.

Sincerely

Dan Burton

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 20, 2002

Mr. Gene K.H. Lum
525 East Seaside Way, No. 408
Long Beach, CA 90802

Dear Mr. Lum:

From my staff, I understand that on Tuesday, February 12, 2002, you declined to cooperate with the Committee's investigation into certain pardons and commutations sought from President Clinton, unless the Committee grants you immunity from prosecution. I also understand that you expressed your desire not to cooperate with the Committee's investigation through your probation officer in the Central District of California, Wendy Shorr. If I am mistaken in concluding that, unless you are immunized from prosecution, you refuse to cooperate with the Committee's investigation, please contact Counsel Pablo E. Carrillo, at (202) 225-5074, no later than Monday, February 25, 2002.

Sincerely,

Dan Burton

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 20, 2002

Mrs. Nora Lum
525 East Seaside Way, No. 408
Long Beach, CA 90802

Dear Mrs. Lum:

As you know, the Government Reform Committee is investigating efforts by you and your husband to obtain presidential pardons from President Clinton. I understand that your husband, Gene Lum, has declined to cooperate with the Committee unless the Committee grants him immunity from prosecution.

I request that you participate in an interview with Committee staff. Please contact Counsel Pablo E. Carrillo, at (202) 225-5074, no later than Monday, February 25, 2002, to arrange the interview. Thank you, in advance, for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

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CHAIRMAN

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MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS

BERNARD SANDERS, VERMONT,
INDEPENDENT

February 25, 2002

Fred F. Fielding, Esq.
Wiley Rein & Fielding, L.L.P.
1776 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Fielding:

As you know, on December 17, 2001, I requested that Piper Marbury Rudnick & Wolfe, Jack Quinn, and two other law firms working for Marc Rich produce additional documents to the Committee. I have now received a number of documents from your client, Piper Marbury, and others in response to that request. The documents produced to the Committee raise a number of new questions I would like to address to Robert Fink. Therefore, I request that Mr. Fink participate in an interview with Committee staff regarding his work on the Marc Rich and Pincus Green matter. I would appreciate it if the interview could be scheduled to take place in the next week.

Please contact the Committee's Deputy Chief Counsel, David A. Kass, at (202) 225-5074, to schedule a time for the interview. Thank you for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
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DAN MILLER, FLORIDA
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RON LEWIS, KENTUCKY
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TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
FACSIMILE (202) 225–3974
MINORITY (202) 225–5051
TTY (202) 225–6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
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DISTRICT OF COLUMBIA
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JOHN F. TIERNEY, MASSACHUSETTS
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JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS

BERNARD SANDERS, VERMONT,
INDEPENDENT

February 26, 2002

Henry F. Schuelke, III
Janis, Schuelke & Wechsler
1728 Massachusetts, Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Schuelke:

This letter confirms our conversation of earlier today regarding your client, A. Glenn Braswell. I requested that Mr. Braswell participate in an interview with Committee staff. You stated that Mr. Braswell would not participate in such an interview. Please let me know if my understanding is incorrect.

Sincerely,

James C. Wilson
Chief Counsel

Appendix II.—Committee Subpoenas

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Democratic National Committee Serve: Terry McAuliffe

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on February 20, 2001, at the hour of 6:00 PM

To Danleigh Halfast or the US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13 day of February, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Democratic National

Committee Serve: Terry McAuliffe

430 South Capitol Street, SE

Washington, DC 20003

before the Committee on the

Government Reform

Served To: Joe Birkenstock
By: Danleigh Hatfast
via facsimile and first
class mail.
2-13-01 2:30 pm
Danleigh Hatfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Democratic National Committee
Serve: Terry McAuliffe
National Chair
430 South Capitol Street, SE
Washington, DC 20003

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 32 inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all check tracking forms or checks relating to contributions by the following individuals or entities:

(1) Denise Rich;
(2) Marc Rich;
(3) Danielle Rich;
(4) Ilona Rich;
(5) Philip Aouad;

(6) IDG Publishing;
(7) W&R Group;
(8) G&P Charitable Foundation;
(9) Zarem, Inc.; and
(10) DSJ Communication.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Skip Rutherford, President, William J. Clinton Presidential Foundation

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on February 20, 2001, at the hour of 5:00 p.m.

To Danleigh Halfast or United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of February XX 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Skip Rutherford, President,

William J. Clinton Presidential Foundation

Serve: David Kendall, Williams & Connolly

725 12th Street, N.W., Washington, D.C. 20005

before the Committee on the .....

.....

.....

Served To: David Kendall
From: Danleigh Halfast
via facsimile and first class mail
2-13-01 2:36 pm
Danleigh Stafford

.....

..... House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Skip Rutherford
President
The William J. Clinton Presidential Foundation
111 Center Street
Suite 1500
Little Rock, AR 72201

Serve: David E. Kendall, Esq.
Williams & Connolly LLP
725 Twelfth Street, NW
Washington, DC 20005-5901

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include

all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 32 inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records relating to:

(1) All contributions exceeding $5,000 to The William J. Clinton Presidential Foundation (a.k.a. "The Clinton Library");

(2) All pledges for contributions exceeding $5,000 to The William J. Clinton Presidential Foundation (a.k.a. "The Clinton Library"); and

(3) The following individuals and entities:

(a) Denise Rich;
(b) Marc Rich;
(c) Danielle Rich;
(d) Ilona Rich;
(e) Philip Aouad;
(f) IDG Publishing;
(g) W&R Group;
(h) G&P Charitable Foundation;
(i) Zarem, Inc.;
(j) DSJ Communication;
(k) Beth Dozoretz; and
(l) Ron Dozoretz.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To HSBC Bank USA Serve: David Smith

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on February 20, 2001, at the hour of 5:00 p.m.

To Danleigh Halfast or United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of February, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for HSBC Bank USA Serve: David Smith, Legal Processing Department, 9th Floor, 1 HSBC Center, Buffalo, NY 14203

before the Committee on the Government Reform

Served To: David Smith
From: M. Scott Billingsley
via facsimile (716) 841-7651
and first class mail
2/13/01 5:10 p.m.
M. Scott Billingsley

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

HSBC Bank USA
Serve: David Smith
Legal Processing Department
9th Floor
1 HSBC Center
Buffalo, NY 14203

The Committee hereby subpoenas certain records. Please provide logs that indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to

records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 32 inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the information sought.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or

p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;

d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. § 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Please provide the Committee with all subpoenaed items from 1992 to the present for all accounts (including those under previous bank names such as "Republic National Bank of New York") for the following individuals:

a. Denise Rich;
b. Marc Rich;
c. Danielle Rich;
d. Ilona Rich; and
e. Philip Aouad.

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To John Podesta Serve: Charles Tiefer

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on March 1, 2001, at the hour of 1:00 PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Danleigh Halfast or US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of February, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.
by Martha C. Morrison
Deputy Clerk

Subpena for ~~John Podesta~~ Serve: Charles Tiefer

317 Massachusetts Ave., N.E. Suite 300

~~Washington, D.C. 20002~~

before the Committee on the

Government Reform

Served By: Danleigh Halfast

To: Charles Tiefer

via facsimile and first class mail.

2-22-01 3:25 pm

Danleigh Halfast

House of Representatives

GPO: 1990 31-287 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Beth Nolan Serve: John Logan

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on March 1, 2001, at the hour of 1:00 PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Danleigh Halfast or US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of February, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.
by Mattie C. Morrison
Deputy Clerk

Subpena for Beth Nolan Serve: John Logan

1300 Connecticut Avenue, 10th Floor,

Washington, D.C. 20034

before the Committee on the

Government Reform

Served by: Danleigh Halfast

To: John Logan

via facsimile and first class

mail.

2-22-01 3:25pm

Danleigh Halfast

House of Representatives

GPO: 1990 31-267 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Beth Dozoretz Serve: Thomas C. Green

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on March 1, 2001, at the hour of 11:00 AM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 23rd day of February, 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

by Theresa C. Vang *Clerk.*

Subpena for Beth Dozoretz Serve: Thomas C. Green
1722 Eye Street, N.W. 20006

before the Committee on the
Government Reform

Served To: Beth Dozoretz
c/o Thomas C. Green
By: Dankeigh S. Halfast
via facsimile and first class mail.
2-23-01 5:25pm
Dankeigh S. Halfast

House of Representatives

GPO: 1990 31-267 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Skip Rutherford Serve: David Kendall

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on March 1, 2001, at the hour of 11:00 AM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 23rd day of February, 19 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

by Thomas C. Vaus *Clerk.*

Subpena for Skip Rutherford Serve: David Kendall, 725 12th Street, N.W. Washington, D.C. 20005

before the Committee on the Government Reform

Served To: Skip Rutherford c/o David Kendall
By: Danleigh S. Halfast
via facsimile and first class mail.
2-23-01 5:25 pm
Danleigh S. Halfast

House of Representatives

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Perer Kadzik Serve: Perer Kadzik

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on March 1, 2001, at the hour of 11:00 AM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of February, 2001

Dan Burton

Chairman.

Attest:

Clerk.

Subpoena for Peter Kadzik

Serve: Peter Kadzik

2101 L Street N.W., Washington, D.C.

20037-1526

before the Committee on the

Government Reform

Served Peter Kadzik
on 2/28/01 at 1:58pm PST
at San Francisco Int'l. Airport
San Francisco, CA.
by: Robert Tejada
DEP U.S. MARSHAL

House of Representatives

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Peninsula Hotel Beverly Hills Serve: Ellis O'Connor

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 9th day of March, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Peninsula Hotel Beverly Hills

Serve: Ellis O'Connor

9882 Little Santa Monica Boulevard

Beverly Hills, CA 98212

before the Committee on the

Government Reform

Served TO: Peninsula Hotel Beverly Hills c/o Ellis O'Connor
By: Danleigh Halfast
via facsimile and first class mail
3-9-01 4:20pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Peninsula Hotel Beverly Hills
Serve: Ellis O'Connor
General Manager
9882 Little Santa Monica Boulevard
Beverly Hills, California 98212

The Committee hereby subpoenas certain records. If you have any questions about this subpoena, please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. This subpoena calls for the production of records, documents, and compilations of data and information that are currently in your possession, care, custody, or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

4. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

5. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

6. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list

each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

7. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

8. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide to the Committee all telephone records, facsimiles, and telephone messages from January 2001 relating to Ronald Dozoretz or Beth Dozoretz.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Verizon New York, Inc. Verizon Washington, D.C., Inc. Serve: Subpoena Processing Unit

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 9th day of March, 19XX 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Verizon New York, Inc.

Verizon Washington, D.C., Inc.

Serve: Subpoena Processing Unit

(212) 921-4636

before the Committee on the

Government Reform

Served To: Verizon New York, Inc. Verizon Washington, D.C. Inc. c/o Subpoena processing unit.
By: Danleigh Halfast
via facsimile and first class mail
3-9-01 4:10pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Verizon New York, Inc.
Verizon Washington, D.C., Inc.
Serve: Subpoena Processing Unit (212) 921-4636

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not

limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(9) All handwritten notations made on records are to be left on the document in their original form, and not redacted, replaced, or altered in any way.

Subpoenaed Items

For the period January 1, 2000, to February 1, 2001, please provide the Committee with any and all toll, billing, long distance, cellular, and mobile telephone records for the following individuals:

1. Denise Rich
[redacted]

The following telephone numbers may correspond to Ms. Rich:

[redacted]

[redacted]

2. Ronald Dozoretz or Beth Dozoretz

The following addresses correspond to Mr. and Mrs. Dozoretz:

[redacted]

The following telephone numbers may correspond to Mr. or Ms. Dozoretz:

[redacted]

To the extent that your records indicate multiple individuals with the same name, please contact the Committee for further instructions before producing any records.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Qwest Communications Serve: Security Response Center

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 9th day of March 2001

Dan Burton
Chairman.

Attest:

[illegible]
Clerk.

Subpoena for Qwest Communications

Serve: Security Response Center

(303) 896-4474

before the Committee on the

Government Reform

Served To: Qwest Communications
c/o security response center
From: Danleigh Halfast
via facsimile and first class
mail. 3-9-01 4:15pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Qwest Communications
Serve: Security Response Center (303) 896-4474

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which

you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(9) All handwritten notations made on records are to be left on the document in their original form, and not redacted, replaced, or altered in any way.

Subpoenaed Items

For the period January 1, 2000, to February 1, 2001, please provide the Committee with any and all toll, billing, long distance, cellular, and mobile telephone records for Denise Rich of Aspen, Colorado.

To the extent that your records indicate multiple individuals with the same name, please contact the Committee for further instructions before producing any records.

MAR 20 2001 10:57 FR US MARSHALS SERVICE TO 92255127 P.02
MAR.-16'01(FRI) 16:09 U. S. MARSHALS-CIVIL TEL:213 894 2030 P.002
03/14/01 WED 12:03 FAX 002

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Roger Clinton Serve: Roger Clinton

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 21, 2001, at the hour of 5:00 PM

To Randolph Halfast ex. US Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 14th day of March, A.D. 2001

Dan Burton
Chairman.

Attest:

Clerk

Served 3/14/01 @ 2:30 PM by Tony Perez U.S. Marshal

Guerrero, Deputy U.S. Marsh

** TOTAL PAGE.02 **

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Roger Clinton
Serve: Roger Clinton

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which

you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records from January 20, 1992, to the present relating to any consideration of executive clemency, request for executive clemency, efforts to obtain executive clemency, or grant of executive clemency for any individual, including, but not limited to the following individuals:

   a. Phillip Young;
   b. Carlos Vignali;
   c. A. Glenn Braswell;
   d. Joe McKernan;
   e. Mitchell Couey Wood;
   f. Garland Lincecum;
   g. Rita Lavelle;

2. All records relating to any payments which were made, considered, offered, or solicited for efforts made by you to obtain a grant of executive clemency on behalf of any individual;

3. All records relating to any efforts made by you, or on your behalf, to assist in the obtaining of any grant of executive clemency; and

4. All records relating to CLM, L.L.C.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To MAP Mobile Communications, Inc. Serve: Dave Sherwood

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 22, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of March, ~~A.D.~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for MAP Mobile Communications, Inc.

Serve: Dave Sherwood, Senior Vice President and CFO

840 Greenbriar Circle

Chesapeake, VA 23320

before the Committee on the

Government Reform

Served To: Dave Sherwood
By: Danleigh Halfast via
facsimile and first class mail.
3-15-01 5:40 pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

MAP Mobile Communications, Inc.
Serve: Dave Sherwood
Senior Vice President and CFO
840 Greenbriar Circle
Chesapeake, VA 23320

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

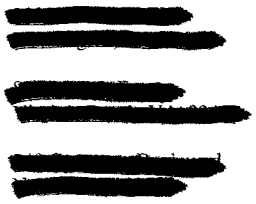
Subpoenaed Items

For the period January 1, 2000, to February 1, 2001, please provide the Committee with any and all toll, billing, long distance, cellular, pager, and mobile telephone records for:

Ronald Dozoretz or Beth Dozoretz

The following addresses correspond to Mr. and Mrs. Dozoretz:

[redacted]



The following telephone/pager number may correspond to Mr. or Ms. Dozoretz:



To the extent that your records indicate multiple individuals with the same name, please contact the Committee for further instructions before producing any records.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To First National Bank of Crossett Serve: Edward L. Holt, President and CEO

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 22, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of March, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for First National Bank of Crossett

Serve: Edward L. Holt, President and CEO

218 Main Street

Crossett, Arkansas 71635-2926

before the Committee on the

Government Reform

Served To: Thomas S Streetman c/o Edward L Holt

By: Danleigh Halfast via facsimile and first class mail.

3-15-01 5:30 pm

DanLeigh S Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

First National Bank of Crossett
Serve: Edward L. Holt, President & CEO
218 Main Street
Crossett, Arkansas 71635-2926

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other

deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any

regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or

e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C., 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to the present, please provide the Subpoenaed Items for the following named entity, including but not limited, to records relating to account number [redacted]

- CLM, L.L.C.
  Registered Agent: Dickey Morton
  717 Pine Manor Drive
  Hamburg, AR 71646

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Anthony Rodham Serve: Glenn C. Lewis

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 26, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of March, ~~19~~ 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for Anthony Radham

Serve: Glenn C. Lewis

The Lewis Law Firm

805 15th Street, N.W.

Washington, D.C. 20005

before the Committee on the

Government Reform

Served To: Glenn C. Lewis

By: Danleigh Halfast

via facsimile and first class mail.

3-22-01 4:30 pm

Danleigh Halfast

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Anthony Rodham
Serve: Glenn C. Lewis
The Lewis Law Firm
805 15th Street, N.W.
Washington, D.C. 20005

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records from January 20, 1992, to the present relating to any consideration of executive clemency, request for executive clemency, efforts to obtain executive clemency, or grant of executive clemency for any individual, including, but not limited to Edgar Gregory and Vonna Jo Gregory;

2. All records relating to any payments which were made, considered, offered, or solicited for efforts made by you to obtain a grant of executive clemency on behalf of any individual;

3. All records relating to any efforts made by you, or on your behalf, to assist in the obtaining of any grant of executive clemency; and

4. All records relating to your financial relationship with Edgar Gregory, Vonna Jo Gregory, or any of their companies.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Horacio Vignali Serve: Edward A. Rucker, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 26, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of March, ~~19~~ 2001.

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for..Horacio Vignali.....

Serve: Edward A. Rucker, Esq.

1717 Fourth Street, Third Floor

Santa Monica, CA 90401

before the Committee on the.....

Government Reform

Served To: Edward A. Rucker, Esq.
By: Danleigh Halfast via
facsimile and first class
mail
3-21-01 6:00pm
Danleigh Halfast

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Horacio Vignali
Serve: **Edward A. Rucker, Esq.**
1717 Fourth Street, Third Floor
Santa Monica, CA 90401

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (email), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not

limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document. data or information as a ground for withholding such record, document. data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter. and indicated or known circulation. Also, indicate the privilege asserted with respect to each record. document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please produce the following records to the Committee:

1. All records from 1994 to the present relating to efforts to obtain a federal executive grant of clemency on behalf of Carlos Vignali;

2. All records from 1994 to the present provided on Carlos Vignali's behalf to any government office relating to a federal executive grant of clemency;

3. All records from 1994 to the present relating to contacts with any federal government official concerning federal executive grant of clemency on behalf of Carlos Vignali;

4. All records relating to payments made to any individual working on Carlos Vignali's clemency request;

5. All records relating to Hugh Rodham; and

6. All records relating to Roger Clinton.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Carlos Vignali Serve: Edward A. Rucker, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 26, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of March, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for...Carlos Vignali

Serve: Edward A. Rucker, Esq.

1717 Fourth Street, Third Floor

Santa Monica, CA 90401

before the Committee on the...

Government Reform

Served to: Edward A. Rucker, Esq.
By: Danleigh Halfast via facsimile and first class mail
3-21-01 6:00 pm
Danleigh Halfast

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Carlos Vignali
Serve: Edward A. Rucker, Esq.
1717 Fourth Street, Third Floor
Santa Monica, CA 90401

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3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please produce the following records to the Committee:

1. All records from 1994 to the present relating to efforts to obtain on your behalf a federal executive grant of clemency;

2. All records from 1994 to the present provided on your behalf to any government office relating to a federal executive grant of clemency;

3. All records from 1994 to the present relating to contacts with any federal government official concerning federal executive grant of clemency on your behalf;

4. All records relating to payments made to any individual working on your clemency request;

5. All records relating to Hugh Rodham; and

6. All records relating to Roger Clinton.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Cellco Partnership d.b.a. Verizon Wireless Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 28, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 21st day of March, XX2001.

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for..Cellco Partnership d.b.a. Verizon Wireless

Serve: Custodian of Records

180 Washington Valley Road

Bedminister, NJ 07921

before the Committee on the.....

Government Reform

Served To: Custodian of Records
By: Danleigh Halfast via
facsimile and first class
mail:
3-21-01 6:20pm
Danleigh Halfast

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Cellco Partnership d.b.a. Verizon Wireless
Serve: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

The Committee hereby subpoenas certain records. Please provide logs that indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

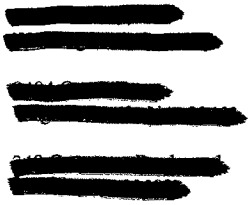
9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 1/2-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period January 1, 2000, to February 1, 2001, please provide the Committee with all records relating to all accounts of Ronald Dozoretz or Beth Dozoretz, including, but not limited to the number [redacted]

The following addresses correspond to Mr. and Mrs. Dozoretz:

[redacted]



To the extent that your records indicate multiple individuals with the same name, please contact the Committee for further instructions before producing any records.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To First National Bank of Crossett Serve: Edward L. Holt, President & CEO

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on April 11, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of April, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for First National Bank of Crossett

Serve: Edward L. Holt, President & CEO

218 Main Street

Crossett, Arkansas 71635-2926

before the Committee on the

Government Reform

Served To: Thomas Streetman for Edward Holt By: Danleigh Halfast via facsimile and first Class mail.

4/4/02 5:40 pm Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

First National Bank of Crossett
Serve: Edward L. Holt, President & CEO
218 Main Street
Crossett, Arkansas 71635-2926

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

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7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other

deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any

regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or

e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to the present, please provide the Subpoenaed Items for all accounts held by the following named individuals or entities:

1. Dickey Morton
2. George E. "Butch" Locke
3. Roger C. Clinton
4. Southern Belle Construction
   Registered Agent: Dickey Morton
   717 Pine Manor Drive
   Hamburg, AR 71646

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To David Dreyer Serve: Jason Hadges, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on April 11, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of April, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for David Dreyer

Serve: Jason Hadges, Esq.

Brand & Frulla, P.L.C.

923 Fifteenth Street, N.W.
Washington, D.C. 20005

before the Committee on the

Government Reform

Served To: Jason Hadges
From: Danleigh Halfast
via facsimile and first class mail.
4/4/01 5:35 pm
Danleigh Halfast

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

David Dreyer
Serve: Jason Hadges, Esq.
Brand & Frulla, P.L.C.
923 Fifteenth Street, N.W.
Washington, D.C. 20005

The Committee hereby subpoenas certain records. Please provide logs, which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David Kass at (202) 225-5074.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please produce the following records to the Committee:

1. All records from 1996 to the present relating to efforts to obtain a federal executive grant of clemency on behalf of Harvey Weinig;

2. All records from 1996 to the present provided on Mr. Weinig's behalf to any government office relating to a federal executive grant of clemency; and

3. All records from 1996 to the present relating to contacts with any federal government official concerning a federal executive grant of clemency on behalf of Mr. Weinig.

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VA

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 4, 2001

Bart Williams, Esq.
Munger, Tolles & Olson
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071

Dear Mr. Williams:

Enclosed please find a subpoena for your client, Roger Clinton. Thank you for accepting service on behalf of Mr. Clinton.

Item number two of the enclosed subpoena requires the production of "[a]ll records reflecting the bank name and bank account number for all bank accounts held by [Roger Clinton] between January 20, 1992, and the present." Mr. Clinton may comply with this request by providing the Committee with a list of all such bank accounts, rather than providing the subpoenaed items described in item two.

In the telephone discussion of March 22, 2001, between you, me, and Jim Wilson, you stated that Mr. Clinton did not have any records responsive to the Committee's March 14, 2001, subpoena. I want to draw your attention to the portion of that subpoena which requires Mr. Clinton to produce to the Committee all records relating to CLM, L.L.C. The records demanded by this portion of the subpoena include any records of payments made to him by CLM, L.L.C. If Mr. Clinton has access to any such records, please produce them to the Committee as soon as possible.

If you have any questions about this matter, please contact me at (202) 225-5074.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

cc: Michael Yeager, Minority Senior Oversight Counsel

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Roger Clinton Serve: Roger Clinton

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on April 11, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of April, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Roger Clinton

Serve: Roger Clinton

before the Committee on the

Government Reform

Served To: Bart Williams, fax Roger Clinton From: Danleigh Halfast via facsimile and first class mail.
4/4/01 5:30 pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Roger Clinton
Serve: Roger Clinton

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(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to the following individuals and entities:

   a. A. Glenn Braswell;
   b. Rita Lavelle;
   c. Alberta Lincecum;
   d. Garland Lincecum;
   e. Guy Lincecum;
   f. George "Butch" Locke;
   g. Joe McKernan;
   h. Dickey Morton;
   i. Southern Belle Construction;
   j. Carlos Vignali;
   k. Horacio Vignali;
   l. Mitchell Wood; and
   m. Phillip Young.

2. All records reflecting the bank name and bank account number for all bank accounts held by you between January 20, 1992, and the present.

APR 18 2001 10:31 FR US MARSHALS SERVICE TO 92255127 P.03/03
APR 18 2001 08:32 FR US MARSHAL E-AR 501 324 6252 TO 912023075228 P.01/02 002
04/16/01 MON 11:58 FAX

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Phillip Young Serve: Phillip Young

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on April 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 16th day of April ~~19~~ 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl by
Clerk.

RECEIVED
01 APR 16 PM 12:03
U.S. MARSHALS
EASTERN ARKANSAS

** TOTAL PAGE.03 **

APR 18 2001 10:31 FR US MARSHALS SERVICE TO 92255127 P.02/03
APR 18 2001 08:32 FR US MARSHAL EFAX
04/18/01 MON 11:53 FAX

Subpoena for Phillip Young

Serve: Phillip Young

306 Prothro Street

North Little Rock, Arkansas 72117

before the Committee on the

Government Reform

Served Phillip Young at
306 Protho St. North Little
Rock, AR on 4-18-01 at 7:50 A.m.
by Lucian R Bramel
Dep. U.S. Marshal Lucian R Bramel

House of Representatives

GPO-1999 11-01 (rev)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Phillip Young
Serve: Phillip Young
306 Prothro Street
North Little Rock, Arkansas 72117

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to any effort to obtain a grant of executive clemency for you;

2. All records relating any involvement of Roger Clinton, or anyone acting on Roger Clinton's behalf, in attempting to obtain a grant of executive clemency for you;

3. All records relating to any payments which were made, considered, offered, or solicited for efforts by any individual to obtain a grant of executive clemency on your behalf; and

4. All records relating to any payments by you to Roger Clinton, or any anyone affiliated with Roger Clinton.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Bank of America Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on April 24, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 17th day of April xix 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Mattie C. Morrison
Deputy Clerk

Subpoena for Bank of America

Served Custodian of Records

Subpoena Processing

CA 9-705-05-19, P.O. Box 3609
Los Angeles, CA 90051
before the Committee on the

Government Reform

Served TO: Bank of America Custodian of Records By: Danielq Halfast via Priority Mail. 4/17/01 3:35pm

Danielq Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Bank of America
Serve: Custodian of Records
Subpoena Processing
CA 9-705-05-19
P.O. Box 3609
Los Angeles, CA 90051

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals

with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support

of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to the present, please provide the Subpoenaed Items for all accounts held by the following named individuals or entities (including but not limited to records relating to account numbers [redacted] and [redacted] held at the Bank of America Branch at 43591 Mission Blvd., Fremont, California):

1. Roger C. Clinton
2. Odgie Music

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VA

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 24, 2001

VIA FACSIMILE (612) 664-5350 AND FIRST CLASS MAIL

Jarold Ray, Chief Probation Officer
U.S. Probation Office, District of Minnesota
300 South Fourth St., Rm. 406
Minneapolis, MN 55415

Dear Mr. Ray:

It was a pleasure speaking to you on Tuesday, April 10, 2001.

During our conversation that morning, you stated that Judge Doty was amenable to authorizing the release of Judgement and Commitment Orders ("J&C") and their corresponding Statements of Reasons and Findings of Fact as to all co-defendants in *U.S. v. Carlos Vignali, et al.*, CR 4-93-166 (Dist. Minn. 1994). However, you indicated that Judge Doty was concerned about voluntarily releasing private information. You stated that Judge Doty's concern extended, in particular, to the release of any confidential information that might compromise the privacy of co-defendants who cooperated with government prosecutors in the underlying criminal prosecution of Mr. Vignali and other members of the drug ring. As such, you noted that Judge Doty preferred to have the Committee subpoena the court for those records it needs and agree not to use private information publicly.

To resolve Judge Doty's concerns with the Committee's needs, I spoke to Judge Doty after our conversation. I recommended that the Committee simply subpoena your office, rather than the court, for the records it needs. I also mentioned to Judge Doty that information regarding the cooperation of co-defendants might be salient to aspects of the Committee's investigation and that the Committee's investigation might very well result in the release of a congressional report, which would be made public. So, I suggested to Judge Doty that, after receiving the subpoenaed records, we would consult him prior to using publicly any private information that indicates the cooperation of any co-defendant with the government in the underlying criminal case.

Judge Doty agreed with both suggestions. Accordingly, please find attached a subpoena requesting the production of J&C's and their corresponding Statements of Reasons and Findings

of Fact as to all co-defendants in *U.S. v. Carlos Vignali, et al.*, CR 4-93-166 (Dist. Minn. 1994). Thank you for agreeing to accept service by facsimile.

As I mentioned to you last Tuesday afternoon, I anticipate that at least a few of Judge Doty's Findings of Fact might incorporate by reference, without articulating, portions of the Pre-Sentence Investigation ("PSI"). If that problem arises, please bear in mind that the Committee might follow-up this subpoena with an additional request for the production of those PSI's.

If you have any questions, feel free to contact me at your convenience at (202) 225-5074. As always, thank you for your assistance.

Sincerely,

Pablo E. Carrillo
Committee Counsel

cc: Judge David S. Doty, United States District Court, U.S. Courthouse 300, 14W, South Fourth Street, Minneapolis, MN 55415, facsimile: 612-664-5067

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S. Probation Office, District of Minnesota Serve: Jarold Ray

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 2, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of April, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for U.S. Probation Office, District of Minnesota

Serve: Jarold Ray, Chief Probation Officer

300 South Fourth St., Rm. 406

Minneapolis, MN 55415

before the Committee on the

Government Reform

Served TO: Jarold Ray By: Danleigh Halfast via facsimile and first class mail 4/25/01 5:25pm Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Please Serve Via Facsimile (612) 664-5350 and First Class Mail:
Jarold Ray, Chief Probation Officer
U.S. Probation Office, District of Minnesota
300 South Fourth St., Rm. 406
Minneapolis, MN 55415

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Committee Counsel Pablo E. Carrillo at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (email), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

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6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please produce to the Committee the Judgement and Commitment Orders and corresponding Statements of Reasons and Findings of Fact as to all co-defendants in *U.S. v. Carlos Vignali, et al.,* CR 4-93-166 (Dist. Minn. 1994).

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Dickey Morton Serve: Mark F. Hampton, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on May 2, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of April, 19XX 2001

Dan Burton

Chairman.

Attest:

Clerk.

Subpoena for Dickey Morton

Serve: Mark F. Hampton, Esq.
308 South Louisiana
Little Rock, AR 72201

before the Committee on the
Government Reform

Served To: Mark Hampton By: Danleigh
Halfast via facsimile and
first class mail.
4/25/01 5:25pm
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dickey Morton
Serve: Mark F. Hampton, Esq.
308 South Louisiana
Little Rock, AR 72201

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following records:

1. All corporate records pertaining to the following entities:

   a. American Gypsum and Cement Products;
   b. American Gypsum and Steel Products;
   c. American Gypsum and Wood Products;

d. CLM, L.L.C.;
e. CMMI;
f. Delta Trading, L.L.C.;
g. Earthstar;
h. Jumanji II, Ltd.;
i. Natural PAC;
j. R&D Consultants;
k. Southern Belle Construction Co.; and
l. Transcon.

2. All records provided to the U.S. Attorney's Office in the Southern District of New York by Dickey Morton or any of his companies.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Bank of America Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 2, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of April, 19~~XX~~2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Bank of America

Serve: Custodian of Records, Subpoena Processing

CA 9-705-05-19

P.O. Box 3609, Los Angeles, CA 90051

before the Committee on the

Government Reform

Served To: Bank of America by: Dawleigh Halfast via Express mail. 4/26/01

Dawleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Bank of America
Serve: Custodian of Records
Subpoena Processing
CA 9-705-05-19
P.O. Box 3609
Los Angeles, CA 90051

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support

of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to the present, please provide the Subpoenaed Items for all accounts held by the following named individuals or entities:

1. American Gypsum and Cement Products
2. CLM, L.L.C.
3. Dickey Morton
   [redacted]
   Hamburg, AR 71646

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Southwestern Bell Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 4, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of April 2001

Dan Burton

Chairman.

Attest:

Trandahl

Clerk.

Subpoena for Southwestern Bell

Serve: Custodian of Records

#2 Bell Plaza, Room 1270

211 South Akard, Dallas, TX 75202

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Danleigh Halfast via

facsimile and first class

mail

4/27/01 5:10pm

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Southwestern Bell
Serve: Custodian of Records
#2 Bell Plaza, Room 1270
211 South Akard
Dallas, TX 75202

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

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6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to the present, please provide the Committee with any and all toll, billing, long distance, cellular, pager, and mobile telephone records for Dickey Morton. Please provide records relating to accounts for Dickey Morton at the following addresses and phone numbers:

1. [redacted]

2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Cingular Wireless Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 4, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of April, 2001

Dan Burton

Chairman.

Attest:

Trandahl

Clerk.

Subpoena for Cingular Wireless

Serve: Custodian of Records

1801 Valley View Lane

Farmer's Branch, TX 75234

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Danleigh Halfast via

facsimile and first class

mail

4/27/01 5:10pm

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Cingular Wireless
Serve: Custodian of Records
1801 Valley View Lane
Farmer's Branch, TX 75234

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1. [redacted]
2. [redacted]

3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Embassy Suites Hotel Serve: Michael Lynch, General Manager

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 9, 2001, at the hour of 5:00 PM

To US Marshals Service or Danleigh Halfast

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 2nd day of May, ~~19~~ XX 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison
Deputy Clerk

Subpoena for Embassy Suites Hotel

Serve: Michael Lynch, General Manager

3880 West Northwest Highway

Dallas, TX 75220

before the Committee on the

Government Reform

Served To: Michael Lynch

By: Danleigh Halfast

via facsimile and first class mail.

5-3-01 6:10 PM

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Embassy Suites Hotel
Serve: Michael Lynch, General Manager
3880 West Northwest Highway
Dallas, TX 75220

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Definitions and Instructions

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2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to the present, please provide the Committee with any and all records relating to the following named individuals or entities, including but not limited to records reflecting occupancy, reservations, local or long distance telephone charges, and conference room or other facility reservations by guests or non-guests:

1. Roger C. Clinton
2. Dickey Morton
3. George E. "Butch" Locke

4. Richard Casey
5. Garland "Lin" Lincecum
6. Guy H. Lincecum
7. Southern Belle Construction
8. CLM, L.L.C.
9. M.M. Foundation
10. Legacy Foundation

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Radisson Hotel Serve: Richard Carleton

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of May xx 19 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison
Deputy Clerk

Subpoena for Radisson Hotel

Serve: Richard Carleton

2330 West Northwest Highway

Dallas, TX 75220

before the Committee on the

Government Reform

Served To: Richard Carleton

By: Danleigh Halfast

via facsimile and first class mail.

5/16/01 3:20 pm

Danleigh Stafford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Radisson Hotel
Serve: Richard Carleton
2330 West Northwest Highway
Dallas, TX 75220

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to the present, please provide the Committee with any and all records relating to the following named individuals or entities, including but not limited to records reflecting occupancy, reservations, local or long distance telephone charges, and conference room or other facility reservations by guests or non-guests:

1. Roger C. Clinton
2. Dickey Morton
3. George E. "Butch" Locke

4. Richard Cayce
5. Garland "Lin" Lincecum
6. Guy H. Lincecum
7. Southern Belle Construction
8. CLM, L.L.C.
9. M.M. Foundation
10. Legacy Foundation

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To American Express Serve: Charlene Gilbert, Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 28, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of May, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison

Deputy Clerk

Subpoena for American Express

Serve: Charlene Gilbert, Custodian of Records

4315 South 2700 West

Salt Lake City, Utah 84184-3400

before the Committee on the

Government Reform

Served To: Charlene Gilbert

By: Danleigh Halbert via

facsimile & first class mail.

5-15-01 6:15pm

Danleigh S. Halbert

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

American Express
Serve: Charlene Gilbert, Custodian of Records
4315 South 2700 West
Salt Lake City, Utah 84184-3400

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records, including purchaser information, relating to the following Bank of America American Express travelers checks:

1. RA235-353-810 through RA235-353-839;
2. RA235-353-870 through RA235-353-889;
3. GB016-621-988 through GB016-621-993;
4. GB021-575-280;
5. GB029-368-261 through GB029-368-264; and
6. GB081-274-914.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Frost National Bank Serve: Sonya Sanchez, Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 22, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of May ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison

Deputy Clerk

Subpoena for Frost National Bank

Serve: Sonya Sanchez, Custodian of Records

P.O. Box 1600

San Antonio, TX 78296

before the Committee on the

Government Reform

Served To: Sonya Sanchez

By: Danleigh Hatfast via facsimile and first class mail

5-15-01 6 pm

Danleigh Stafford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Frost National Bank
Serve: Sonya Sanchez, Custodian of Records
P.O. Box 1600
San Antonio, TX 78296

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals

and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to November 30, 1998, please provide the Subpoenaed Items for all accounts held by the following named individual:

Alberta Lincecum
[redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Radisson Hotel Serve: Peter Hulstrand

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 29, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of May ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Radisson Hotel

Serve: Peter Hulstrand

1893 West Mockingbird Lane

Dallas, TX 75235

before the Committee on the

Government Reform

Served To: [redacted] Peter Hulstrand

by: Danleigh Hallaert via facsimile and first class mail.

5/22/01 5:45 PM

Danleigh Hallaert

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Radisson Hotel
Serve: Peter Hulstrand
1893 West Mockingbird Lane
Dallas, TX 75235

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to the present, please provide the Committee with any and all records relating to the following named individuals or entities, including but not limited to records reflecting occupancy, reservations, local or long distance telephone charges, and conference room or other facility reservations by guests or non-guests:

1. Roger C. Clinton
2. Dickey Morton
3. George E. "Butch" Locke

4. Richard Cayce
5. Garland "Lin" Lincecum
6. Guy H. Lincecum
7. Southern Belle Construction
8. CLM, L.L.C.
9. M.M. Foundation
10. Legacy Foundation

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Bank of America Serve: Ritta Nelson, Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 29, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of May 19XX 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Bank of America

Serve: Ritta Nelson, Custodian of Records

400 South Zang Blvd., Ste. 700

Dallas, TX 75208

before the Committee on the

Government Reform

Served To: Ritta Nelson

by: Danleigh Hallford via facsimile and first class mail.

5/22/01 5:40 PM

Danleigh Hallford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Bank of America
Serve: Ritta Nelson, Custodian of Records
400 South Zang Blvd., Ste. 700
Dallas, TX 75208

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals

and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period February 14, 1998, to the present, please provide the Subpoenaed Items for all accounts held by the following named entity, including but not limited to account number [redacted]

M. M. Foundation
[redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To American Express Serve: Charlene Gilbert, Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 29, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of May, 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for American Express

Serve: Charlene Gilbert, Custodian of Records

4315 South 2700 West

Salt Lake City, Utah 84184-3400

before the Committee on the

Government Reform

Served To: Charlene Gilbert

By: DanLeigh Halford via facsimile and first class mail.

5/22/01 5:35 PM

DanLeigh Halford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

American Express
Serve: Charlene Gilbert, Custodian of Records
4315 South 2700 West
Salt Lake City, Utah 84184-3400

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records, including purchaser information, relating to the following Bank of America American Express travelers checks:

1. GB016-328-990 through GB016-328-994;
2. GB016-329-500 through GB016-329-534;
3. GB016-621-968 through GB016-621-987;
4. GB016-621-994 through GB016-622-007;
5. GB019-327-940 through GB019-327-944; and
6. GB042-719-062 through GB042-719-090.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Holiday Inn Serve: Brian Nelms, Manager

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 30, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 23rd day of May, xx 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Holiday Inn

Serve: Brian Nelms, Manager

3121 Bankhead Drive

Little Rock, AR 72206

before the Committee on the

Government Reform

Served To: Brian Nelms

By: Danleigh Halfast via facsimile and first class mail.

5/23/01 4:45PM

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Holiday Inn
Serve: Brian Nelms, Manager
3121 Bankhead Drive
Little Rock, AR 72206

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to January 1, 1999, please provide the Committee with any and all records relating to the following named individuals, including but not limited to records reflecting occupancy, reservations, local or long distance telephone charges, and conference room or other facility reservations by guests or non-guests:

1. Guy H. Lincecum
2. Dickey Morton

3. George E. "Butch" Locke

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To American Express Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on May 30, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 23rd day of May, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for American Express

Serve: Custodian of Records

200 Vessey Street

New York, NY 10285

before the Committee on the

Government Reform

Served To: Custodian of Records
By: Danleigh Halfast via FedEx
priority overnight mail.
5/24/01

Danleigh S Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

American Express
Serve: Custodian of Records
200 Vessey Street
New York, NY 10285

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

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2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period February 14, 1998, to the present, please provide the Committee with any and all records relating to the following named individuals or entities, including but not limited to records relating to account numbers [redacted], [redacted], and [redacted]

1. Roger C. Clinton
2. Odgie Music

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Citicorp Services Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on June 1, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of May, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Citicorp Services

Serve: Custodian of Records

P.O. Box 30201

Tampa, Florida 33630

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Macaulay White Via

First class Mail

5/25/01 4:05 PM

Macaulay White

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Citicorp Services
Serve: Custodian of Records
P.O. Box 30201
Tampa, Florida 33630

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records, including purchaser information, relating to the following Citicorp travelers checks:

Citicorp Travelers Checks

1046-822-991 through 1046-823-080
1046-884-915 through 1046-884-917
1047-025-072 through 1047-025-081
1047-250-341 through 1047-250-345
1048-128-572 through 1048-128-576
1048-573-431 through 1048-573-436

Visa Citicorp Travelers Checks

109 7005 969 355 through 109 7005 969 400
109 7006 772 116 through 109 7006 772 118

Italcambio Citicorp Travelers Checks

2040 576 019 through 2040 576 048
2040 581 293 through 2040 581 300

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Edgar Gregory Serve: Edgar Gregory

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on June 1, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of May, XX2001.

Chairman.

Attest:

Clerk.

Subpena for Edgar Gregory

Serve: Edgar Gregory

522 Franklin Road

Brentwood, Tennessee 37027

before the Committee on the

Government Reform

Served

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Edgar Gregory
Serve: Edgar Gregory
522 Franklin Road
Brentwood, Tennessee 37027

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Chief Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to any effort to obtain a grant of executive clemency;

2. All records relating to the financial relationship between Tony Rodham and you or your companies, including, but not limited to, contracts, consultancy agreements, employment agreements, records of compensation, loans, or other payments; and

3. All records reflecting work performed for you or your companies by Tony Rodham.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United Shows of America, Inc. Serve: Edgar Gregory

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on June 1, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of May, 19XX 2001

Dan Burton
Chairman.

Attest:

Clerk.

Subpoena for United Shows of America, Inc.

Serve: Edgar Gregory

522 Franklin Road

Brentwodd, Tennessee 37027

before the Committee on the .....

Government Reform

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Served .....

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..... House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United Shows of America, Inc.
Serve: Edgar Gregory
522 Franklin Road
Brentwood, Tennessee 37027

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Chief Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to any effort to obtain a grant of executive clemency;

2. All records relating to the financial relationship between Tony Rodham and United Shows of America, Inc., including, but not limited to, contracts, consultancy agreements, employment agreements, records of compensation, loans, or other payments; and

3. All records reflecting work performed for United Shows of America, Inc. by Tony Rodham.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To First Union National Bank Serve: Debbie Fortunato, Legal Division

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on June 15, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 7th day of June, 2001

Dan Burton
Chairman.

Attest:

Clerk.

Subpena for First Union National Bank

Serve: Debbie Fortunato, Legal Division

170 North Hogan Street

Jacksonville, Florida 32202

before the Committee on the

Government Reform

Served to: Debbie Fortunato

By: Dalleigh Halfast via

first class mail

6/7/01 6:05pm

Dalleigh Halfast

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

First Union National Bank
Serve: Debbie Fortunato, Legal Division
170 North Hogan Street
Jacksonville, Florida 32202

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;

c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IOLTA, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. § 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. § 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period from January 1, 1998, to May 1, 2001, please provide the Subpoenaed Items for the following accounts:

1. All accounts held by Hugh Rodham or Rodham & Fine, P.A.;

2. All accounts held by Anthony D. Rodham, including, but not limited to, account [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Sumitomo Mitsui Banking Corporation Serve: William Haney

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on June 20, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of June, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandon
Clerk.

Subpena for Sumitomo Mitsui Banking Corporation

Serve: William Haney, Senior Vice President

277 Park Avenue

New York, NY 10171

before the Committee on the

Government Reform

Served To: William Haney

By: Danleigh Taylor via facsimile

and first class mail.

6/13/01 6:00 pm

Danleigh Taylor

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Sumitomo Mitsui Banking Corporation
Serve: William Haney, Senior Vice President and Deputy General Counsel
277 Park Avenue
New York, NY 10171

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records, including purchaser information, relating to Sumitomo Visa travelers checks numbered 109-4506-160-722 through 109-4506-160-725.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Tommaso Gambino. Serve: James D. Henderson, Sr., Esq.

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 6, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of June, A.D. 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison
Deputy Clerk

Subpoena for Tommaso Gambino

Serve: James D. Henderson, Sr., Esq.,

12121 Wilshire Blv., Ste. 1120

Los Angeles, California

before the Committee on the

Government Reform

Served To: James Henderson, Sr.

From: Darleigh Halfast via

facsimile and first class mail.

6/29/01 5:25PM

Darleigh Stafford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Tommaso Gambino
Serve: James D. Henderson, Sr., Esq.
12121 Wishire Blvd., Ste. 1120
Los Angeles, California

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies,

mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records relating to Roger Clinton, including, but not limited to:

1. all records relating to your financial relationship with Roger Clinton;

2. all records relating to any payments, gifts, or things of value provided by you or Anna Gambino to Roger Clinton; and

3. all records relating to any assistance offered, solicited from, or provided by Roger Clinton in obtaining parole, executive clemency, or any other official action for Rosario Gambino.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Fidelity Federal Bank Serve: Mary Ann Veraldi, Legal Assistant

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 6, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of June, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Matthew C. Morrison
Deputy Clerk

Subpoena for Fildelity Federal Bank

Serve: Mary Ann Veraldi, Legal Assistant

4565 Colorado Blvd.

Los Angeles, California 90039

before the Committee on the

Government Reform

Served To: Mary Ann Veraldi

From: Danuiel Halpert via

facsimile and first class mail.

6/29/01 5:10 pm

Danuiel Halpert

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Fidelity Federal Bank
Serve: Mary Ann Veraldi, Legal Assistant
4565 Colorado Blvd.
Los Angeles, CA 90039

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals

and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

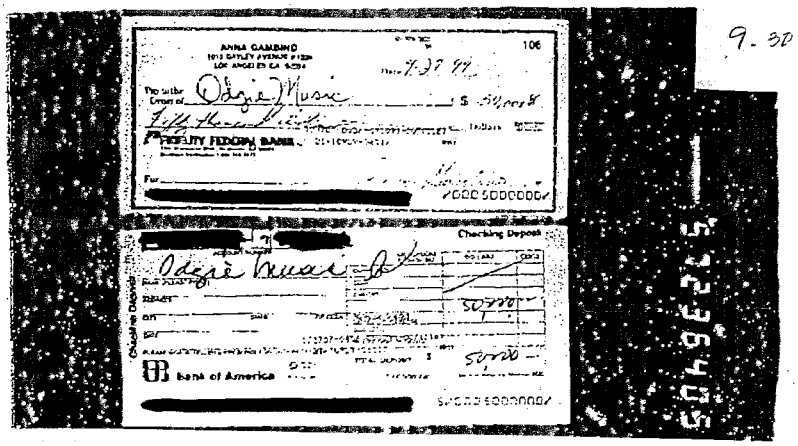
For the period March 1, 1999, to March 1, 2000, please provide the Subpoenaed Items for the account held by:

Anna Gambino
[redacted]

A check from the named account is attached for your information.

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

9-30-99


ANNA GAMBINO
106
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For
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Checking Deposit
Odgie Music
Bank of America
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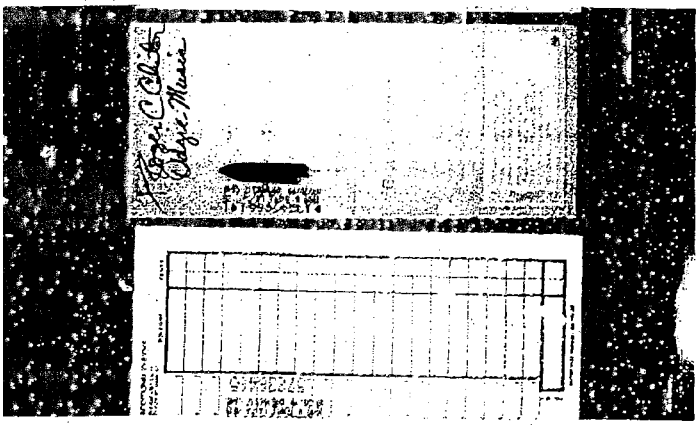
Odgie Music
[redacted]

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Roger Clinton Serve: Bart H. Williams, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on July 6, 2001, at the hour of 5:00 PM

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to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of June, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.
by Martha C. Morrison
Deputy Clerk

Subpena for..Roger Clinton.....

Serve: Bart H. Williams, Esq.

355 South Grand Avenue 35th Floor

Los Angeles, CA 90071

before the Committee on the.....

Government Reform

Served To: Bart Williams

By: Darleigh Hatfast via facsimile and first class mail.

7/2/01 11:20 AM

Darleigh Hatfield

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Roger Clinton
Serve: Bart H. Williams, Esq.
355 South Grand Avenue 35th Floor
Los Angeles, California 90071

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide to the Committee the following records:

A. All records relating to Tommaso Gambino, including, but not limited to:

1. all records relating to your financial relationship with Tommaso Gambino;

2. all records relating to any payments, gifts, or things of value provided to you or your company by Tomasso Gambino; and

3. all records relating to any assistance offered, solicited, or provided by you in obtaining parole, executive clemency, or any other official action for Rosario Gambino.

B. All records relating to Anna Gambino, including, but not limited to:

1. all records relating to your financial relationship with Anna Gambino;

2. all records relating to any payments, gifts, or things of value provided to you or your company by Anna Gambino; and

3. all records relating to any assistance offered, solicited, or provided by you in obtaining parole, executive clemency, or any other official action for Rosario Gambino.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Bank of America Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 6, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

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Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.
by Martha C. Morrison
Deputy Clerk

Subpoena for Bank of America

Serve: Custodian of Records

P.O. Box 3609

Los Angeles, California 90051

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Danleigh Halfast via

Express mail.

7/2/01 11:30 AM

Danleigh S Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Bank of America
Serve: Custodian of Records
Subpoena Processing
CA 9-705-05-19
P.O. Box 3609
Los Angeles, CA 90051

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals

with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

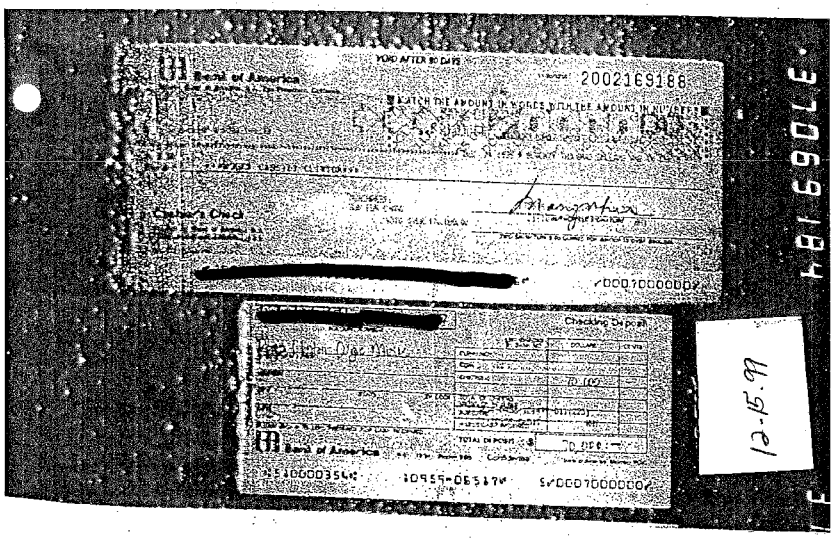
7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

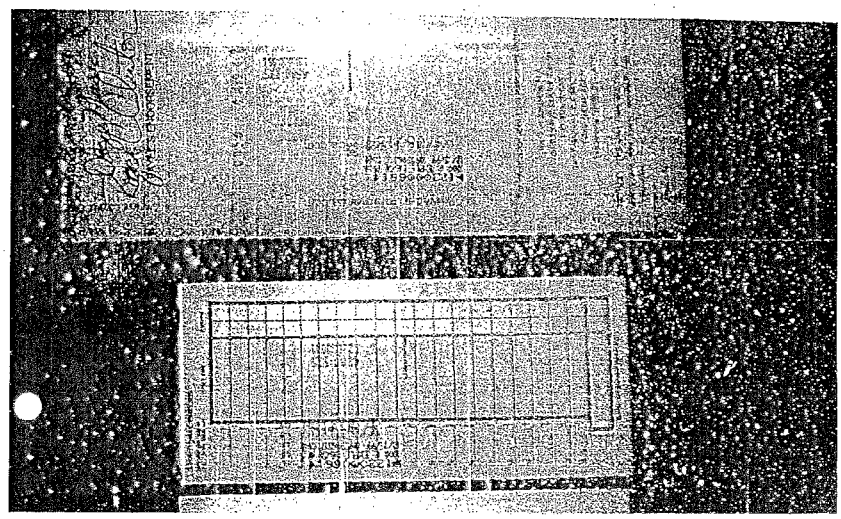
8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records relating to the attached cashiers check numbered 2002169188.


Bank of America
Checking Deposit
Bank of America
12.15.99



Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Rita M. Lavelle Serve: Rita M. Lavelle

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on July 12, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service, &

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 5th day of July, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Rita M. Lavelle

Serve: Rita M. Lavelle

4749 Oceanside Boulevard, Suite J

Oceanside, California 92056

Before the Committee on the

Government Reform

Served 10: Rita M. Lavelle
By: US Marshall Service /
Dalleigh Halfast via US
Marshall Service
7/5/01 Dalleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Rita M. Lavelle
Serve: Rita M. Lavelle
4749 Oceanside Boulevard, Suite J
Oceanside, California 92056

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Chief Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to Roger C. Clinton, including, but not limited to, all records of any payments made to Roger C. Clinton or any of his companies; and

2. All records relating to any attempt made by you or on your behalf to obtain a grant of executive clemency.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Sumitomo Mitsui Banking Corporation Serve: William Haney

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 19, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Services

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 12 day of July, 19 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Sumitomo Mitsui Banking Corporation

Serve: William Haney, Senior Vice President

277 Park Avenue

New York, NY 10171

before the Committee on the

Government Reform

Served To: William Haney
By: Danleigh Halfast via facsimile and first class mail.
7/12/01 5:35PM
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Sumitomo Mitsui Banking Corporation
Serve: William Haney, Senior Vice President and Deputy General Counsel
277 Park Avenue
New York, NY 10171

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with copies of the following Sumitomo Visa travelers checks:

1. 109-4506-160-716 through 109-4506-160-721; and
2. 109-4506-160-726 through 109-4506-160-745.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To American Express Serve: Charlene Gilbert, Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 19, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Services

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 12 day of July 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for American Express

Serve: Charlene Gilbert, Custodian of Records

4315 South 2700 West

Salt Lake City, Utah 84184-3400

before the Committee on the

Government Reform

Served To: Charlene Gilbert

By: Danleigh Halfast via

facsimile and first class mail.

7/12/01 5:35PM

Danleigh S Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

American Express
Serve: Charlene Gilbert, Custodian of Records
4315 South 2700 West
Salt Lake City, Utah 84184-3400

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with copies of the following American Express travelers checks:

1. GB016-621-958 through GB016-621-967
2. GB029-383-225 through GB029-383-374
3. GB016-328-986 through GB016-328-989
4. GB016-621-225 through GB016-621-394
5. GB029-368-295 through GB029-368-374
6. GB029-368-258 through GB029-368-260
7. GB029-368-265 through GB029-368-274
8. GB016-621-845 through GB016-621-957

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Citicorp Services Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on July 19, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 12th day of July, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for....Citicorp Services.....

Serve: Custodian of Records

P.O. Box 30201

Tampa, Florida 33630

before the Committee on the.....

Government Reform

Served To: Javier Guerrero

By: Danleigh Haffar

via facsimile and first class mail.

7/12/01 5:35 PM

Danleigh Haffar

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Citicorp Services
Serve: Custodian of Records
P.O. Box 30201
Tampa, Florida 33630

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

1. Please provide the Committee with copies of the following travelers checks:

Citicorp Travelers Checks

a. 1046-822-976 through 1046-822-990;
b. 1046-823-081 through 1046-823-150;
c. 1046-822-940 through 1046-822-944;
d. 1046-884-911 through 1046-884-914;
e. 1046-884-918 through 1046-884-920;
f. 1047-025-062 through 1047-025-071;
g. 1047-250-316 through 1047-250-340; and

Citicorp Visa Travelers Checks

h. 109 7006 772 119 through 109 7006 772 120.

2. Please provide the Committee with all records, including, but not limited to, purchase agreements and copies of checks, relating to the following travelers checks:

a. 1048-573-437 through 1048-573-438.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Verizon California, Inc. Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on July 27, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Services

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of July ~~19~~ 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl by
Aklashmos P. Vans
Clerk.

Subpoena for Verizon California, Inc.

Serve: Custodian of Records

P.O. Box 1001, TXD01613

San Angelo, TX 76902-1001

before the Committee on the

Government Reform

Served To: Custodian of Records
By: Danleigh Hallford via facsimile and first class mail.
7/13/01 6:00 PM
Danleigh Hallford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Verizon California, Inc.
Legal Compliance
Serve: Custodian of Records
P.O. Box 1001, TXD01613
San Angelo, TX 76902-1001

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide to the Committee all records relating to Roger C. Clinton ([redacted] from January 1, 1996, through July 1, 2001. The following addresses and telephone numbers may correspond to Roger C. Clinton:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To William J. Clinton Presidential Foundation Serve: David Kendall

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 3, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of July, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for William J. Clinton Presidential Foundation

Serve: David Kendall

Williams & Connolly

725 12th Street, N.W.
Washington, D.C. 20005
before the Committee on the

Government Reform

Served To: David Kendall
By: Danleigh Halfaer via facsimile and first class mail.
7/30/01 12:25PM
Danleigh C. Halfaer

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

William J. Clinton Presidential Foundation
Serve: David Kendall
Williams & Connolly
725 12th Street, N.W.
Washington, D.C. 20005

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all records relating to the following individuals and entities:

1. Cynthia Gershman;
2. Tendo Oto;
3. Andrea Paul;
4. Peter Paul;
5. John Rogers;
6. Stan Lee Media;
7. Aaron Tonken; and
8. Venturesoft.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Bank of America Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 10, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of July 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Bank of America

Serve: Custodian of Records

Supoena Processing

CA 9-705-05-19, P.O. Box 3609

Los Angeles, CA 90051
before the Committee on the

Government Reform

Served To: Custodian of Records
By: Danleigh Halpast
via first class mail

7/27/01 Danleighs Halpast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Bank of America
Serve: Custodian of Records
Subpoena Processing
CA 9-705-05-19
P.O. Box 3609
Los Angeles, CA 90051

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals

with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support

of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period January 20, 1993, to February, 13, 1998, please provide the Subpoenaed Items for all accounts held by the following named individuals or entities (including but not limited to records relating to account numbers [redacted] and [redacted] held at the Bank of America Branch at 43591 Mission Blvd., Fremont, California):

1. Roger C. Clinton
2. Odgie Music

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Fidelity Federal Bank Serve: Mary Ann Veraldi, Legal Assistant

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 8, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Services

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of August, 19 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Fidelity Federal Bank

Serve: Mary Ann Veraldi, Legal Assistant

4565 Colorado Blvd.

Los Angeles, CA 90039

before the Committee on the

Government Reform

Served To: Mary Ann Veraldi

By: Danleigh Hallard via

facsimile and first class mail.

8/1/01 4:30 pm

Danleigh S Hallard

House of Representatives

GPO: 1998 51–015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Fidelity Federal Bank
Serve: Mary Ann Veraldi, Legal Assistant
4565 Colorado Blvd.
Los Angeles, CA 90039

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

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2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

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7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals

and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period March 1, 1999, to March 1, 2000, please provide the Subpoenaed Items for the account number [redacted]

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To WorldCom Inc. Serve: Elizabeth Miller

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on August 17, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 10th day of August, 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for WorldCom Inc.

Serve: Elizabeth Miller

Law and Public Policy

Attn: Subpoena Compliance Unit
1133 19th St, NW, Washington, DC 20036
before the Committee on the

Government Reform

Served To: Elizabeth Miller
By: Danleigh Hayfast
via Federal Express overnight
8/13/01 4:00 PM
Danleigh Hayfast

House of Representatives

GPO: 1998 51-015 (mac)

2856

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

WorldCom Inc.
Serve: Elizabeth Miller
Law and Public Policy
Attn: Subpoena Compliance Unit
1133 19th St, NW
Washington, DC 20036

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide to the Committee all records relating to Roger C. Clinton ([redacted] from January 1, 1996, through July 1, 2001. The following addresses and telephone numbers may correspond to Roger C. Clinton:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Citibank, N.A. Serve: Al Sofia

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 23, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 16th day of August, A.D. 2001

Dan Burton
Chairman.

Attest:

[illegible]
Clerk.

Subpoena for Citibank, N.A.

Serve: Al Sofia

One Court Square

43rd Floor, Long Island City, NY 11120

before the Committee on the

Government Reform

Served To: Citibank / Al Sofia

By: Danleigh Halfast via facsimile and first class mail.

8/8/01 4:10 PM

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Citibank, N.A.
Serve: Al Sofia
One Court Square
43rd Floor
Long Island City, NY 11120

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities

whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period December 1, 1998, to December 1, 1999, please provide the Subpoenaed Items for all accounts held by the following named individuals or entities (including but not limited to records relating to account number[redacted]

- Lisa M. Gambino
  [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Hugh Rodham Serve: Nancy Luque, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the ..... Committee on Government Reform ..... of the House of Representatives of the United States, of which the Hon. Dan Burton ..... is chairman, by producing such things in Room 2157 ..... of the Rayburn ..... Building ..... , in the city of Washington, on August 27, 2001 ....., at the hour of 5:00 pm .....

To Danleight Halfast or United States Marshals Service .....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th ..... day of August ....., ~~19~~ 2001

Dan Burton .....

Chairman.

Attest:

Jeff Trandahl .....

Clerk.

Subpoena for Hugh Rodham Serve: Nancy Luque, Esq.

Reed Smith LLP

1301 K Street N.W., Suite 1100 - East Tower

Washington, DC 20005-3317

before the Committee on the

Government Reform

Served To: Nancy Luque, Esq.
by: Danleigh Halfast via
facsimile and first class mail.
8/21/01 2:45PM
DanleighSHalfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Hugh Rodham
Serve: Nancy Luque, Esq.
Reed Smith LLP
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3317

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. Please provide to the Committee the items sought by this subpoena no later than Friday, August 24, 2001. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide to the Committee all records relating to repayment of any fees or monies by Hugh Rodham or Rodham & Fine, P.A., to Horacio C. Vignali, Luz C. Vignali, A. Glenn Braswell, or G.B. Data Systems, Inc. for the period from February 1, 2001, through the present. Those records should include, but not be limited to, the following:

A. Bank account statements, copies of cancelled checks, copies of certified or cashier's checks, records of wire transfers, or any other financial record reflecting repayment of said fees or monies; and

B. Correspondence, including but not limited to, correspondence between Mr. Rodham and any third party, regarding repayment of any said fees or monies.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To City National Bank Serve: Mr. Hank Hansen

You are hereby commanded to produce the things identified on the attached schedule before the Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 27, 2001, at the hour of 5:00 pm

To Danleigh Halfast or United States Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th day of August 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for City National Bank

Attention: Mr. Hank Hansen

1730 West Olympic Blvd., Suite 500

Los Angeles, CA 90015

before the Committee on the

Government Reform

Served To Hank Hansen, for City National Bank From: Pablo E. Carrillo via first class mail 10 Aug 01 5:30 p.m. Pablo E. Carrillo

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

City National Bank
Attention: Mr. Hank Hansen
1730 West Olympic Blvd., Suite 500
Los Angeles, CA 90015

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. Please provide the items sought by this subpoena to the Committee no later than Friday, August 31, 2001. If you have any questions please contact Pablo E. Carrillo, Counsel, (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IOLTA, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. § 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. § 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

1) For the period from January 1, 1996, to the present, please provide the Subpoenaed Items for all accounts held by Horacio C. Vignali, Luz C. Vignali, Carlos A. Vignali, Jr., C & H Auto Body, and C & H Used Cars, including, but not limited to, the account of the check attached as Exhibit 1.

2) Please provide any and all records relating to the negotiable instrument attached as Exhibit 2, including but not limited to, any records identifying the purchaser of the instrument and the source of funds financing the instrument.

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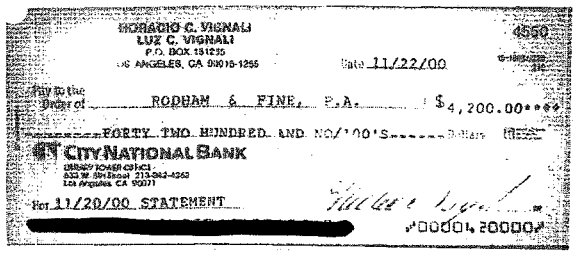


HORACIO C. VIGNALI
LUZ C. VIGNALI
P.O. BOX 191255
LOS ANGELES, CA 90019-1255

4550

Date 11/22/00

Pay to the Order of RODHAM & FINE, P.A. $4,200.00****

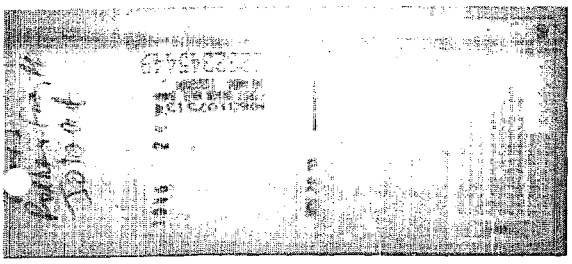
FORTY TWO HUNDRED AND NO/100'S------ Dollars

CITY NATIONAL BANK
BEVERLY HILLS OFFICE
400 N. Roxbury Drive
Beverly Hills, CA 90210

For 11/20/00 STATEMENT

[redacted]

⑈00004 20000⑈



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ROLL 3833 20001128 000000032345448+
JOB 00345 P ACCT [redacted]
REQUESTOR DEBRA TAYLOR
. SUBPOENA FILE# 060801 21-1

SUBPOENAS AND SUMMONS
PA4292
PHILADELPHIA, PA 99 99 9-999



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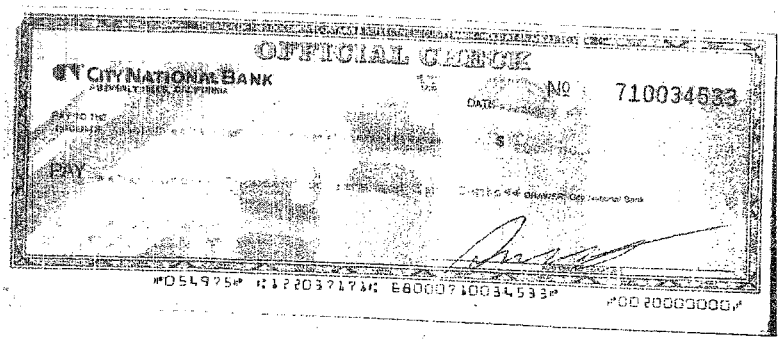

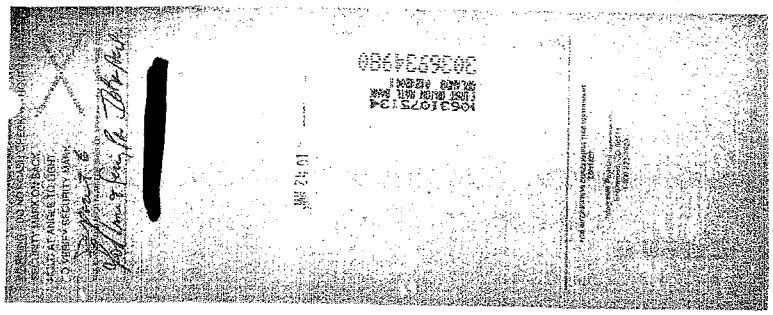

REQUEST 20010802004598 200000.00
ROLL 3397 20010124 000000030934979+
JOB 00345 P ACCT [redacted]
REQUESTOR DEBRA TAYLOR
. SUBPOENA FILE# 06080121-1

SUBPOENAS AND SUMMONS
PA4292
PHILADELPHIA, PA 99 99 9-999

EXHIBIT
"2"

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To AT&T Wireless ..... Serve: Custodian of Records .....

You are hereby commanded to produce the things identified on the attached schedule before the ..... Committee on Government Reform .....

of the House of Representatives of the United States, of which the Hon. Dan Burton .....

..... is chairman, by producing such things in Room 2157 ..... of the

Rayburn ..... Building ..... , in the city of Washington, on

August 27, 2001 ....., at the hour of 5:00 pm .....

To Danleigh Halfast or United States Marshals Service .....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th ..... day of August ....., 2001

.....
Chairman.

Attest:

.....
Clerk.

Subpoena for AT&T Wireless Serve: Custodian of Records

National Subpoena Compliance Center

801 North Point Parkway

West Palm Beach, FL 33407

before the Committee on the

Government Reform

Served by Jason Foster
via fax on 8/20/01.
and by first class mail
on 8/21/01 by Danleigh Halfast
Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

AT&T Wireless
Serve: Custodian of Records
National Subpoena Compliance Center
801 North Point Parkway
West Palm Beach, FL 33407

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period January 1, 1996 to August 1, 2001, please provide the Committee with all records relating to Tommaso "Tommy" Gambino (including, but not limited to, records relating to the phone number, [redacted]he following addresses may correspond to Mr. Gambino:

1. [redacted]

2. [redacted]

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To ..Fidelity Federal Bank.....Serve: Mary Ann Veraldi, Legal Assistant.....

You are hereby commanded to produce the things identified on the attached schedule before the

..... Committee on Government Reform.....

of the House of Representatives of the United States, of which the Hon. Dan Burton.....

..... is chairman, by producing such things in Room ...2157..... of the

Rayburn..... Building ..... , in the city of Washington, on

August 27, 2001....., at the hour of ...5:00 pm.....

To ..Danleigh Halfast or United States Marshls Service.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this ...20th..... day of August....., 19..2001

.....
Chairman.

Attest:

.....
Clerk.

Subpoena for Fidelity Federal Bank

Serve: Mary Ann Veraldi, Legal Assistant

4565 Colorado Blvd.

Los Angeles, CA 90039

before the Committee on the

Government Reform

Served by Jason Foster
via fax to Robin Dawes
on 8/20/01. and by
first class mail on 8/21/01
by Danleigh Halfaker

Danleigh Halfaker

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Fidelity Federal Bank
Serve: Mary Ann Veraldi, Legal Assistant
4565 Colorado Blvd.
Los Angeles, CA 90039

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals

and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C., 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period, January 1, 1996, to August 1, 2001, please provide the Subpoenaed Items (excluding items previously provided to the Committee) for any account held by Anna Gambino, Tommaso "Tommy" Gambino, or Giuseppa Gambino.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Pacific Bell Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the ..... Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton ..... is chairman, by producing such things in Room 2157 of the Rayburn Building ....., in the city of Washington, on August 27, 2001, at the hour of 5:00 pm

To Danleigh Halfast or United States Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th day of August, 19 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Pacific Bell Serve: Custodian of Records

Subpena for.....

485 South Monroe, Room 115

.....

San Jose, CA 95128

.....

.....

before the Committee on the.....

Government Reform

.....

.....

Served To: Custodian of Records

by: Danleigh Halfast via

FedEx overnight mail

8/21/01

.....Danleigh Halfast

.....

.....**House of Representatives**

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Pacific Bell
Serve: Custodian of Records
485 South Monroe, Room 115
San Jose, CA 95128

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

2900

Subpoenaed Items

For the period January 1, 2001 to February 1, 2001, please provide the Committee with subscriber information for the following phone numbers:

1. [redacted]

2. [redacted]

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To AT&T Wireless Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 29, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of August, ~~19~~2001

Dan Burton

Chairman.

Attest:

[signature]

Clerk.

Subpoena for AT&T Wireless

Serve: Custodian of Records

National Subpoena Compliance Center

801 North Point Parkway

West Palm Beach, FL 33407

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Danleigh Halfast

via facsimile.

8/22/01 5:30 PM

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

AT&T Wireless
Serve: Custodian of Records
National Subpoena Compliance Center
801 North Point Parkway
West Palm Beach, FL 33407

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

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5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

For the period January 1, 1996, to August 1, 2001, please provide the Committee with all records relating to the current or most recent subscriber to the phone number, [redacted].

If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Victoria Crawford Serve: Victoria Crawford

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on September 5, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of August, XX 2001

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Victoria Crawford

Serve: Victoria Crawford

108 South Frontage Road, Suite 306

Vail, Colorado 81657

before the Committee on the

Government Reform

Served To: Bruce Black, Esq.
by: DanLeigh Staggs via facsimile and first class mail.
8/29/01 4:10 PM
DanLeigh Staggs

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Victoria Crawford
Serve: Victoria Crawford
108 South Frontage Road, Suite 306
Vail, Colorado 81657

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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Subpoenaed Items

A. All records relating to any attempt to obtain a furlough, parole, or grant of executive clemency.

B. All records relating to any of the following individuals or entities:

1. Edvard Akopyan
2. John Ballis
3. Joni Ballis
4. Richard Cayce
5. Suk Eun Chang
6. David Crews
7. Lana Crews
8. Tommaso "Tommy" Gambino
9. Rosario Gambino
10. Anna Gambino
11. Lisa Gambino
12. Steven Griggs
13. Gerard Guez
14. Dan Lasater
15. Rita Lavelle
16. Garland Lincecum
17. Guy Lincecum
18. Alberta Lincecum
19. Blume Loe
20. George Locke
21. J.T. Lundy
22. Robert Lundy
23. Joseph "Jay" McKernan
24. Dickey Morton
25. Antonio Ruggierro
26. Chris Salazar
27. Mark St. Pe
28. Ahagiua Sun
29. Carlos Vignali
30. Horacio Vignali
31. Phillip Young
32. Mitchell Wood
33. CLM, L.L.C.
34. Cuba Travel Services
35. Crews and Associates
36. Hampton Roads Shipping Investors

37. Image and New Vision, Inc.
38. Progressive Telecom
39. Seaway II Florida

C. All records relating to any payment for the benefit of Roger Clinton or Odgie Music originating from foreign individuals or entities, including, but not limited to, payments originating in North Korea, South Korea, China, Taiwan, Japan, Venezuela, Russia, or Kazakhstan.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Crawford Management Serve: Victoria Crawford

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on September 5, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of August, XX 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for....Crawford..Management.....

Serve: Victoria Crawford

108 South Frontage Road, Suite 306

Vail, Colorado 81657

before the Committee on the .....

Government Reform

Served To: Bruce Black, Esq
by: Danleigh Hallead via facsimile and first class mail.
8/29/01 4:10PM
Danleigh Stafford

..... House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Crawford Management
Serve: Victoria Crawford
108 South Frontage Road, Suite 306
Vail, Colorado 81657

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B. All records relating to any of the following individuals or entities:

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2. John Ballis
3. Joni Ballis
4. Richard Cayce
5. Suk Eun Chang
6. David Crews
7. Lana Crews
8. Tommaso "Tommy" Gambino
9. Rosario Gambino
10. Anna Gambino
11. Lisa Gambino
12. Steven Griggs
13. Gerard Guez
14. Dan Lasater
15. Rita Lavelle
16. Garland Lincecum
17. Guy Lincecum
18. Alberta Lincecum
19. Blume Loe
20. George Locke
21. J.T. Lundy
22. Robert Lundy
23. Joseph "Jay" McKernan
24. Dickey Morton
25. Antonio Ruggierro
26. Chris Salazar
27. Mark St. Pe
28. Ahagiua Sun
29. Carlos Vignali
30. Horacio Vignali
31. Phillip Young
32. Mitchell Wood
33. CLM, L.L.C.
34. Cuba Travel Services
35. Crews and Associates
36. Hampton Roads Shipping Investors

37. Image and New Vision, Inc.
38. Progressive Telecom
39. Seaway II Florida

C. All records relating to any payment for the benefit of Roger Clinton or Odgie Music originating from foreign individuals or entities, including, but not limited to, payments originating in North Korea, South Korea, China, Taiwan, Japan, Venezuela, Russia, or Kazakhstan.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Nora T. Lum Serve: Nora T. Lum

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on October 8, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of September, ~~19~~ 2001

Dan Burton

Chairman.

Attest:

[signature]

Clerk.

Subpoena for Nora T. Lum

Serve: Nora T. Lum

525 East Seaside Way, Unit 408

Long Beach, CA 90802-8003

before the Committee on the 9/25/2001

Government Reform

Served personal Served

on 9/26/2001 ~~by~~ Gene Lun for Nora Lum

by Deputy Chris Guerrero

Guerrero, deputy

U.S. Marshal

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Nora T. Lum
Serve: Nora T. Lum
525 East Seaside Way, Unit 408
Long Beach, CA 90802-8003

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Pablo E. Carrillo, Counsel.

Definitions and Instructions

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3. This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

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9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee the following:

1) all records relating to efforts to obtain a presidential grant of clemency for you or your husband, Gene Lum; and

2) all records relating to Hugh Rodham.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Nicole M. Lum Serve: Nicole M. Lum

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on October 8, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of September, ~~19~~2001

Dan Burton

Chairman.

Attest:

[signature]

Clerk.

Subpoena for Nicole M. Lum

Serve: Nicole M. Lum

10983 Bluffside Dr., Apt. 6207

Studio City, CA 91604

before the Committee on the 9/25/2001

Government Reform

Served Personal Served on 9/26/2001 by Deputy Chris Guerrero

Guerrero deputy U.S. Marshal

House of Representatives

GPO: 1999 11-013 (rev)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Nicole M. Lum
Serve: Nicole M. Lum
10983 Bluffside Dr., Apt. 6207
Studio City, CA 91604

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Pablo E. Carrillo, Counsel.

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4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee the following:

1) all records relating to efforts to obtain a presidential grant of clemency for Gene K.H. Lum or Nora T. Lum; and

2) all records relating to Hugh Rodham.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Gene K. H. Lum Serve: Gene K. H. Lum

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on October 8, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of September, 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for Gene K. H. Lum

Serve: Gene K. H. Lum

525 East Seaside Way, Unit 408

Long Beach, CA 90802-8003

before the Committee on the 9/25/2001

Government Reform

Served personal Served

on 9/26/2001 by

Deputy Chris Guerrero

Guerrero, deputy U.S. Marshal

House of Representatives

GPO: 1999 31-013 (rev.)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Gene K. H. Lum
Serve: Gene K. H. Lum
525 East Seaside Way, Unit 408
Long Beach, CA 90802-8003

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Pablo E. Carrillo, Counsel.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee the following:

1) all records relating to efforts to obtain a presidential grant of clemency for you or your wife, Nora Lum; and

2) all records relating to Hugh Rodham.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Citicorp Services Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on September 26, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 19th day of September, 2001

Dan Burton
Chairman.

Attest:

Clerk.

Subpoena for Citicorp Services

Serve: Custodian of Records

P.O. Box 30201

Tampa, Florida 33630

before the Committee on the

Government Reform

Served To: Custodian of Records

By: Danleigh Stafford via facsimile

and first class mail.

9/19/01 6:30 PM

Danleigh Stafford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Citicorp Services
Serve: Custodian of Records
P.O. Box 30201
Tampa, Florida 33630

The Committee hereby subpoenas certain records. If you have any questions, please contact Deputy Chief Counsel David Kass at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data

and information that are current in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

1. Please provide the Committee with copies of the following travelers checks:

Italcambio Citicorp Travelers Checks

a. 2040-575-956 through 2040-575-999;
b. 2040-576-000 through 2040-576-018;
c. 2040-576-049 through 2040-576-055;
d. 2040-581-264 through 2040-581-273;
e. 2040-581-280 through 2040-581-292;
f. 2040-581-301 through 2040-581-304.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Turnberry Bank Serve: Pat Grimm, Legal Compliance

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on September 13, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th day of September, ~~19~~ 2001

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk

Subpoena for Turnberry Bank

Serve: Pat Grimm, Legal Compliance

20295 N.E. 29th Place

Aventura, FL 33180

before the Committee on the

Government Reform

Served To: Pat Grimm

By: Danleigh Halfast via

fax and first class mail.

9/6/01 3:40PM

Danleigh Halfast

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Tumberry Bank
Serve: Pat Grimm, Legal Compliance
20295 N.E. 29th Place
Aventura, FL 33180

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. Please provide the items sought by this subpoena to the Committee no later than Wednesday, September 12, 2001. If you have any questions please contact Pablo E. Carrillo, Counsel, at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

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7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named individuals and/or entities:

a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the

named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IOLTA, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. § 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credit cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. § 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

14. All investigative files relating in any way to any of the named individuals and/or entities.

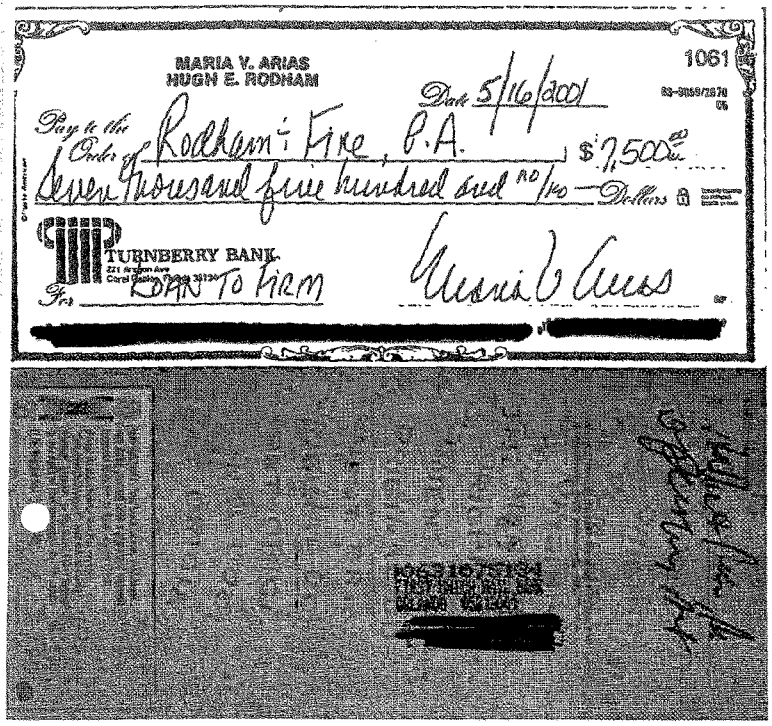
15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

For the period from January 1, 2000, to August 1, 2001, please provide the Subpoenaed Items for all accounts held by Hugh E. Rodham, Maria V. Arias, and Rodham & Fine, P.A., including, but not limited to, the account of the check attached hereto.

CF4992:20010821003358:1012 scanned on by Operator Archipelago on Aug 21, 2001 at 03:42:43 PM - Page 1 of 2



MARIA V. ARIAS
HUGH E. RODHAM

1061

Date 5/16/2001

Pay to the Order of Rodham & Fire, P.A. $ 7,500.00

Seven Thousand five hundred and no/100 — Dollars

TURNBERRY BANK

For LOAN To Firm

[redacted]

REQUEST 20010821003358 7500.00
ROLL ECIA2 [redacted]
JOB - ECIA F ACCT [redacted]
REQUESTER JOHN BALKIR
. SUB# 06080121-2

SUBPOENAS AND SUMMONS
PA4292
PHILADELPHIA, PA 99, 99 9-999

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Staten Island Savings Bank Serve: Custodian of Records

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on October 9, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 2nd day of October, ~~19~~ 2001

Dan Burton
Chairman.

Attest:

[illegible]
Clerk.

Subpoena for Staten Island Savings Bank

Serve: Cutodian of Records

15 Beach Street

Staten Island, NY 10304

before the Committee on the

Government Reform

Served To: Custodian of Records

By: DanLeigh Halfast

via Federal Express

02/01

DanLeigh Stafford

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Staten Island Savings Bank
Serve: Custodian of Records
15 Beach Street
Staten Island, NY 10304

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

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3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoenaed Items

Please provide the Committee with the following:

1. The following records relating to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts in the name of or under signature authority of any of the named

individuals and/or entities:

a. Signature cards and account opening forms;
b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $499.00;
e. Deposit tickets for all items deposited in excess of $499.00;
f. All items deposited in excess of $499.00;
g. Credit and debit memos for all items in excess of $499.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $499, including, but not limited to, ATM withdrawals.

2. The following records relating to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, co-signed by, participated in or which were to be made to, co-signed by or participated in by any of the named individuals and/or entities.

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letter from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and records including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All records submitted to or prepared by or on behalf of any office, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All records relating to any meetings, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension

of credit.

3. The following records relating to Certificates of Deposit purchased or redeemed by any of the named individuals and/or entities:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Records (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Records (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. The following records relating to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans in the name of or for the benefit of any of the named parties or entities:

a. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated securities;
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents.

5. Customer correspondence files for each of the named parties and entities.

6. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated by any of the named individuals and/or entities:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Records (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

7. All records relating to wire transfers sent and/or received by any of the named individuals and/or entities, including, but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message records;
b. Records (e.g., checks, debit memos, cash in tickets, wires in reflecting the source of the funds wired out;
c. Records (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings relating to the sending or receipt of wire transfers.

8. All records relating to current or expired safe deposit box rentals by or under the signatory authority of any of the named individuals and/or entities, including, but not limited to:

a. Contracts; and/or
b. Entry/exit records.

9. The following records relating to open, closed or unapproved bank credits cards in the name of or under the signatory authority of any of the named individuals and/or entities:

a. Applications for credit;
b. Corporate board authorization, minutes or partnership resolutions;
c. Credit reports;
d. Monthly statements;
e. Financial statements;
f. Charge tickets;
g. Records (e.g., checks, debit memos, cash in tickets and/or wires in) reflecting payments on the account; and/or
h. Correspondence files.

10. Teller tapes reflecting all transactions with respect to the named individuals and/or entities.

11. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the named individuals and/or entities, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

12. Copies of any and all Criminal Referral Forms filed with any federal agency or any bank regulatory agency concerning transactions by, on behalf of, or involving the named individuals and/or entities.

13. Any and all "Exemption Lists," requests for exemptions and statements submitted in support of such requests pursuant to 31 U.S.C. 103.22 concerning the named individuals and/or entities whether or not filed with the Internal Revenue Service.

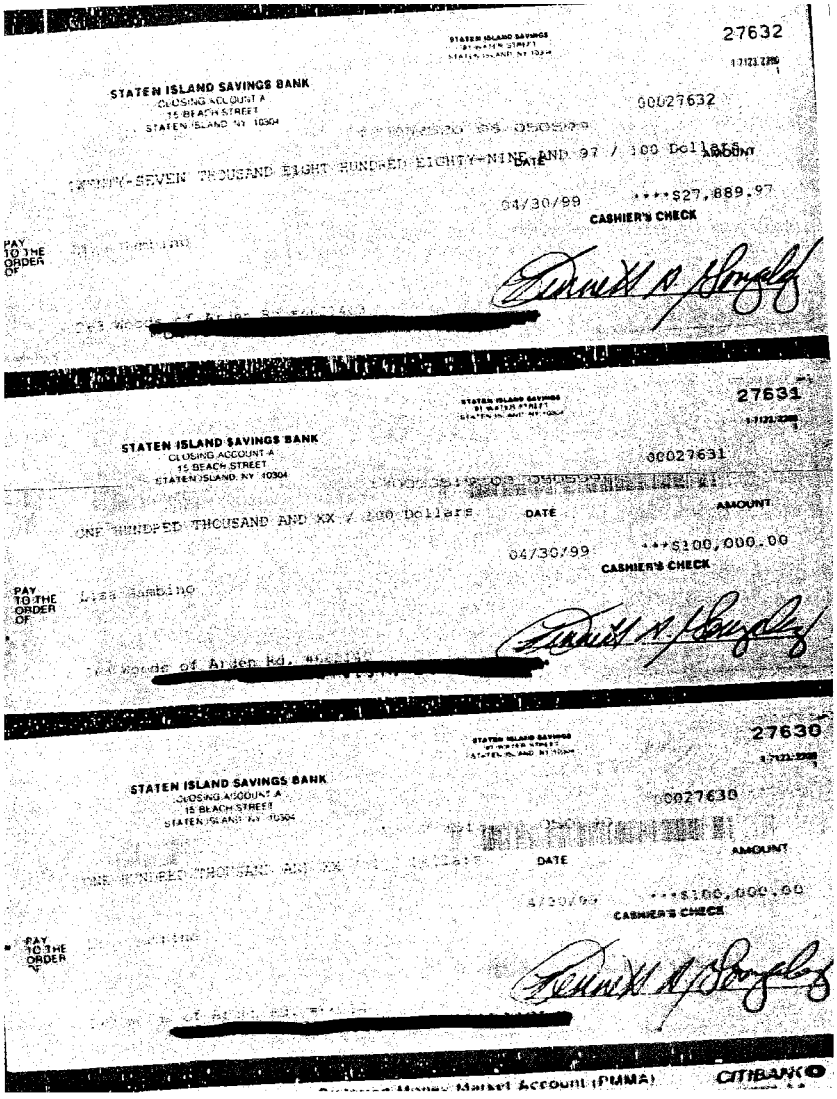
14. All investigative files relating in any way to any of the named individuals and/or entities.

15. All records reflecting any meeting, communication or contact with any bank regulatory, federal law enforcement agency or any agency or component of the executive branch of the Federal Government regarding suspicious transactions, pending investigations or ongoing investigations relating to any of the named individuals and/or entities.

16. All records reflecting any meeting, communication or contact with any person who was or is acting on behalf of the named individuals and/or entities, including any attorney, accountant, consultant or investigator.

Account Information

Please produce all records relating to cashier's checks numbered 27630, 27631, and 27632 (copies attached).



27632

STATEN ISLAND SAVINGS BANK
CLOSING ACCOUNT A
15 BEACH STREET
STATEN ISLAND, NY 10304

00027632

DATE AMOUNT

TWENTY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY-NINE AND 97 / 100 Dollars

04/30/99 ***$27,889.97

CASHIER'S CHECK

PAY TO THE ORDER OF

27631

STATEN ISLAND SAVINGS BANK
CLOSING ACCOUNT A
15 BEACH STREET
STATEN ISLAND, NY 10304

00027631

DATE AMOUNT

ONE HUNDRED THOUSAND AND XX / 100 Dollars

04/30/99 ***$100,000.00

CASHIER'S CHECK

PAY TO THE ORDER OF

27630

STATEN ISLAND SAVINGS BANK
CLOSING ACCOUNT A
15 BEACH STREET
STATEN ISLAND, NY 10304

00027630

DATE AMOUNT

ONE HUNDRED THOUSAND AND XX / 100 Dollars

4/30/99 ***$100,000.00

CASHIER'S CHECK

PAY TO THE ORDER

Money Market Account (DUMA)

CITIBANK

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Marilyn J. Parker Serve: Andre Rivero, Esq.

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on December 3, 2001, at the hour of 5:00 PM

To Nick Mutton or US Marshall Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 26th day of November, ~~19~~2001

Dan Burton
Chairman.

Attest:

Clerk.

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
FACSIMILE (202) 225–3974
MINORITY (202) 225–5051
TTY (202) 225–6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
Wm. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA

BERNARD SANDERS, VERMONT,
INDEPENDENT

November 27, 2001

VIA FIRST CLASS MAIL AND FACSIMILE

Andres Rivero, Esq.
Sullivan, Rivero & Chase
Miami Center
201 South Biscayne Blvd., Suite 1450
Miami, FL 33131

Dear Mr. Rivero:

It was a pleasure speaking to you on Monday, November 19, 2001. Thank you for agreeing to accept, on M.J. Parker's behalf, service of the Committee's subpoena by fax. Please produce the documents requested by the subpoena no later than Wednesday, December 5, 2001.

As we discussed this morning, Ms. Parker's interview with Committee staff will be conducted by telephone on Friday, December 5, 2001, at 11:00 a.m. Assistant U.S. Attorney Anita Gay indicated that she and/or Tom Mulvihill will be available to participate in that interview. I will initiate the telephone call. If you have any questions about this matter, feel free to contact me, or Deputy Chief Counsel David Kass, at (202) 225-5074.

Sincerely,

Pablo E. Carrillo
Counsel

cc: Assistant U.S. Attorney Anita Gay (via first class mail and facsimile)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Marilyn J. Parker
Serve: Andre Rivero, Esq.
Sullivan, Rivero & Chase
201 South Biscayne Blvd., Suite 1450
Miami, FL 33131

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Pablo E. Carrillo, Counsel.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee the following:

1) all records relating to efforts to obtain a presidential grant of clemency for Fernando Fuentes Coba; and

2) all records, from August 1, 2000, to April 1, 2001, relating to Tony Rodham.

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To William D. McCord ..... Serve: William D. McCord .....

You are hereby commanded to produce the things identified on the attached schedule before the full ..... Committee on Government Reform .....

of the House of Representatives of the United States, of which the Hon. .....

Dan Burton ..... is chairman, by producing such things in Room 2157 ..... of the

Rayburn ..... Building ..... , in the city of Washington, on

March 13, 2002 ....., at the hour of 5:00 P.M. .....

To Nick Mutton or US Marshals Service .....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th ..... day of March ....., XX 2002

.....
Chairman.

Attest:

.....
Clerk.

Subpoena for William D. McCord

Serve: William D. McCord

161 Spuwink Lane

Hot Springs, AR 71913

before the Committee on the

Government Reform

Served

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

William D. McCord
Serve: William D. McCord
161 Spurwink Lane
Hot Springs, AR 71913

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions please contact Jason Foster at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3 ½-inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. If there is more than one individual or entity sharing the same name for any of the records called for by this subpoena, please contact Committee staff prior to producing any such records so that staff can provide further identifying information regarding the records sought.

Subpoenaed Items

1. All records related to your effort to obtain executive clemency from President Clinton, including but not limited to:
    a. the clemency petition as submitted to the Justice Department and/or the White House,

b. any and all drafts, attachments, or additional submissions related to the petition, and

c. all records relating to the transmission of the petition or the transmission of related information to the Justice Department and/or the White House.

2. All records relating to Roger Clinton, including but not limited to:

a. all records relating to any communications with Roger Clinton, and

b. all records, including bank records, relating to any withdrawal or payment for the benefit of Roger Clinton.

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
MARK E. SOUDER, INDIANA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
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JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
FACSIMILE (202) 225–3974
MINORITY (202) 225–5051
TTY (202) 225–6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 6, 2002

Joseph E. diGenova, Esq.
Victoria Toensing, Esq.
diGenova & Toensing
901 15th Street, N.W., Suite 430
Washington, D.C. 20005

Dear Mr. diGenova and Ms. Toensing:

It is my understanding that you informed Committee staff yesterday that your client, Jack Quinn, would refuse to participate in an interview with Committee staff regarding the Marc Rich and Pincus Green case. I am disappointed that Mr. Quinn will not come forward and answer the serious questions which remain regarding his work on that case.

Apparently, you informed Committee staff that Mr. Quinn was declining to participate in an interview because of the "animus" that had been displayed towards him by Committee staff in the past. This is a surprise to me, as after the Committee's first hearing, Mr. Quinn sent me a handwritten note thanking me for the "fairness, decency, and balance with which you treated me in my recent appearance before your committee." (Attachment 1).

I believe that Mr. Quinn's refusal to come forward has more to do with the serious questions we have for him, rather than any perceived animus. Last month, Mr. Quinn produced hundreds of pages of documents after withholding them from the Committee for over a year. These documents, and similar documents from other law firms working for Marc Rich, raise important questions. For example, one e-mail produced by Mr. Quinn indicates that he asked Marc Rich to enter into a new retainer agreement on March 5, 2001, just four days after the Committee's final hearing on the pardons, and after Mr. Quinn had pledged not to accept any money from Mr. Rich for his work on the pardons. Other documents recently produced to the Committee raise equally important questions about his lobbying efforts and his contacts with Denise Rich and Beth Dozoretz. Given the fact that Mr. Quinn withheld these records from the Committee and therefore avoided these questions at the Committee's hearings, I believe he has a duty to come forward and answer these questions now.

I am issuing a document subpoena to Mr. Quinn to obtain the information the Committee needs to conclude its investigation of the Marc Rich and Pincus Green matter. It is, however, unfortunate that this matter could not have been cleared up with an interview. A copy of the subpoena is attached. (Attachment 2).

Sincerely,

Dan Burton
Chairman

Attachments

cc: The Honorable Henry A. Waxman, Ranking Minority Member

JACK QUINN

February 13, 2001

Dear Chairman Burton -

We have had, and will have, our disagreements - But I want you to know that I appreciate the fairness, decency and balance with which you treated me in my recent appearance before your committee — I thank you for that —

Sincerely

Jack Quinn

1133 CONNECTICUT AVE NW • 5TH FLOOR • WASHINGTON, DC 20036

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To John M. Quinn Serve: John M. Quinn

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on March 13, 2002, at the hour of 5:00 P.M.

To Nick Mutton or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th day of March XXX 2002

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

John M. Quinn
Serve: John M. Quinn
Quinn Gillespie & Associates
1133 Connecticut Avenue, N.W. 5th Floor
Washington, D.C. 20036

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Deputy Chief Counsel David A. Kass at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All records relating to Marc Rich, Pincus Green, or any company affiliated with Marc Rich or Pincus Green, not previously provided to the Committee;

2. All records relating to the negotiation of any retainer agreement with Marc Rich, Pincus Green, Piper Marbury Rudnick & Wolfe or any law firm or company affiliated with Marc Rich or Pincus Green in the time period after January 20, 2001, not previously provided to the Committee;

3. All records relating to funds provided by Marc Rich, Pincus Green, or any individual, organization or company associated with Marc Rich or Pincus Green, to Jack Quinn, or any individual or organization associated with Jack Quinn, not previously provided to the Committee;

4. All records identifying bank accounts, foreign or domestic, held by Jack Quinn between January 1, 1999, and the present; and

5. All records relating to Denise Rich or Beth Dozoretz between January 1, 1999, and the present, not previously provided to the Committee.

Appendix III.—Marc Rich and Pincus Green Pardon Petition

TO THE PRESIDENT OF THE UNITED STATES

PETITION FOR PARDON FOR
MARC RICH
AND
PINCUS GREEN

Indicted September 19, 1983
by the United States Attorney for the
Southern District of New York
For Alleged Crimes Arising Out of
The Department of Energy's Price Control Program

PETITIONERS' APPLICATION FOR PARDON

For Petitioners:

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009
(202) 457-1110

Kathleen A. Behan, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-5533

Robert F. Fink, Esq.
Piper Marbury, Rudnick & Wolfe, LLP
1251 Avenue of the Americas
New York, NY 10020
(212) 835-6090

December 11, 2000

PETITION FOR PARDON

To the President of the United States:

Petitioners Marc Rich and Pincus Green pray for a pardon and in support thereof state as follows:

MARC RICH – PERSONAL INFORMATION

1. Full name: Marc Rich

   Address: [redacted] Meggen, Switzerland

   Telephone Number: The attorneys pressing Marc Rich's case may be reached at the following numbers:

   John M. Quinn, Esq.: (202) [redacted]
   Kathleen A. Behan, Esq.: (202) [redacted]
   Robert F. Fink, Esq.: (212) [redacted]

   Social Security Number: [redacted]

   Date and Place of Birth: [redacted] Antwerp, Belgium

   Physical Characteristics:

   Sex: Male
   Height: 5'10"
   Weight: 176
   Hair Color: Brown
   Eye Color: Brown

   Citizenship: Israel, Spain

Offense for Which Pardon Is Sought

2. Petitioner's Conviction. Mr. Rich has not been convicted of any offenses. Mr. Rich has been under indictment in the Southern District of New York for more than 17 years. A copy of the indictment is attached as Exhibit A.

3. Petitioner's Sentence: Not applicable.

BACKGROUND

4. Prior and Subsequent Criminal Record: None.

Biographical Information

5. Current marital status: Mr. Rich is married to Gisela Rossi Rich.

6. Children: Mr. Rich has two children, Ilona and Danielle. Gabrielle, a child from his first marriage to Denise Rich, died at the age of 27 in 1996.

7. Schools attended since alleged offenses: None.

8. Residences: Mr. Rich has residences in Switzerland and Spain.

9. Employment History: *See* Accompanying Memorandum.

10. Substance Abuse and Mental Health Information:

    (a) Mr. Rich is very moderate in alcohol use and has used no drugs at all.

    (b) Mr. Rich has not engaged in the illegal sale or distribution of drugs.

    (c) Mr. Rich has not sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse.

    (d) Mr. Rich has not consulted with a mental health professional or with another health care provider concerning a mental health-related condition.

11. Civil and Financial Information:

    (a) Mr. Rich is not in default or delinquent in any way in the performance or discharge or any debt or obligation to the United States or any other person or entity.

    (b) Mr. Rich has not ever filed for a discharge of his debts in bankruptcy.

    (c) Mr. Rich is not involved in any judicial or administrative proceedings pending with federal, state, or local governments.

12. Military Record: None.

13. Civil Rights and Occupational Licensing: None.

14. Firearms Disabilities: None.

15. Business, professional or occupational license: None.

16. Reasons for Seeking Pardon: *See* accompanying Memorandum.

PINCUS GREEN – PERSONAL INFORMATION

1. Full name: Pincus Green

Address: [redacted] Switzerland

Telephone Number: The attorneys pressing Pincus Green's case may be reached at the following numbers:

John M. Quinn, Esq.: (202) [redacted]
Kathleen A. Behan, Esq.: (202) [redacted]
Robert F. Fink, Esq.: (212) [redacted]

Social Security Number: [redacted]

Date and Place of Birth: [redacted] Brooklyn, New York

Physical Characteristics:

Sex: Male
Height: 5'9"
Weight: 170
Hair Color: Gray
Eye Color: Green

Citizenship: Israel, Spain, Switzerland

Offense for Which Pardon Is Sought

2. Petitioner's Conviction. Mr. Green has not been convicted of any offenses. Mr. Green has been under indictment in the Southern District of New York for more than 17 years. A copy of the indictment is attached as Exhibit A.

3. Petitioner's Sentence: Not applicable.

4. Prior and Subsequent Criminal Record: None.

Biographical Information

5. Current marital status: Mr. Green is married to Libby Green.

6. Children: Mr. Green has four children, Alan, Robert, Sandra and Sarah.

7. Schools attended since alleged offenses: None.

8. Residences: Mr. Green has residences in Switzerland and Israel.

9. Employment History: *See* Accompanying Memorandum.

10. Substance Abuse and Mental Health Information:

(a) Mr. Green is very moderate in alcohol use and has used no drugs at all.

(b) Mr. Green has not engaged in the illegal sale or distribution of drugs.

(c) Mr. Green has not sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse.

(d) Mr. Green has not consulted with a mental health professional or with another health care provider concerning a mental health-related condition.

11. Civil and Financial Information

(a) Mr. Green is not in default or delinquent in any way in the performance or discharge or any debt or obligation to the United States or any other person or entity.

(b) Mr. Green has not ever filed for a discharge of his debts in bankruptcy.

(c) Mr. Green is not involved in any judicial or administrative proceedings pending with federal, state, or local governments.

12. Military Record: Drafted in the U.S. Army 1955, he was honorably discharged in January 1957.

13. Civil Rights and Occupational Licensing: None.

14. Firearms Disabilities: None.

15. Business, professional or occupational license: None.

16. Reasons for Seeking Pardon: *See* accompanying Memorandum.

TO THE PRESIDENT OF THE UNITED STATES

PETITION FOR PARDON FOR
MARC RICH
AND
PINCUS GREEN

Indicted September 19, 1983
by the United States Attorney for the
Southern District of New York
For Alleged Crimes Arising Out of
The Department of Energy's Price Control Program

MEMORANDUM IN SUPPORT OF
PETITIONERS' APPLICATION FOR PARDON

For Petitioners:

Jack Quinn, Esq.
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Robert F. Fink, Esq.
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1251 Avenue of the Americas
New York, NY 10020
(212) 835-6090

December 11, 2000

EXECUTIVE SUMMARY

This petition sets forth the request of Mr. Marc Rich and Mr. Pincus Green for a Presidential Pardon. Mr. Rich and Mr. Green are internationally recognized businessmen and philanthropists who have contributed over $200,000,000 to charity in the past twenty years, and who have donated countless hours to humanitarian causes around the world. Supporters of the pardon petition include Ehud Barak, Prime Minister of Israel, Nobel Peace Prize Winner Shimon Peres, Abraham Foxman, National Director of the Anti-Defamation League, Rabbi Irvin Greenberg, Chairman of the Holocaust Memorial, Shlomo Ben-Ami, Minister of Foreign Affairs of Israel, Nobel Laureates, and many friends and family members. The supporters attest to the extraordinary lives of Mr. Rich and Mr. Green.

Mr. Rich and Mr. Green seek a pardon even though they never have been convicted of a criminal offense in the United States or any other country. However, they and two of their companies were wrongfully indicted nearly twenty years ago, primarily on tax and energy charges stemming from their participation in oil transactions under then-existing Department of Energy oil regulations and controls. Those controls, deemed to be unworkable, incomprehensible and counterproductive, were abolished by President Reagan in one of his first official acts in January, 1981, and now are seen as a relic of the era of excessive economic regulation of the oil industry.

Mr. Rich and Mr. Green have complete defenses to the indictment. While the indictment makes many accusations, the prosecution admits that tax-related charges were the core of the case. Yet two of the country's leading tax professors have analyzed the tax treatment of the transactions at issue, and concluded that they were correctly reported. Nevertheless, Mr. Rich and Mr. Green remain under indictment and in effective exile from the United States. This is so

even though their companies have resolved all charges, and all others who engaged in similar transactions were pursued civilly, or not at all.

This Petition for a Pardon on behalf of Mr. Rich and Mr. Green seeks to put an end to that exile by resolving an otherwise intractable situation between Mr. Rich, Mr. Green and the United States government, and by righting an injustice that has persisted for nearly two decades. Mr. Rich and Mr. Green are now in their late sixties. They have not traveled to the United States in over seventeen years. Without a Presidential Pardon, there is little if any chance that this matter will be resolved. The current situation is the unfortunate result of unfair and unwarranted treatment of two men against whom no criminal charges should have been brought. A Presidential Pardon will promote the interests of justice, will rectify a wrong, and will finally put this matter to rest.

REASONS FOR GRANTING A PARDON

I. MR. RICH AND MR. GREEN ARE EXTRAORDINARY BUSINESSMEN AND PHILANTHROPISTS WHO HAVE LIVED EXEMPLARY LIVES SINCE THE ALLEGED OFFENSES.

Mr. Rich and Mr. Green have lived exemplary, indeed, remarkable lives. Although they have suffered terrible hardships as the result of their exile from the United States, they have continued to work productively and contribute to society.

Everyone knows that Mr. Rich is a successful international business leader. What is not well known is that Mr. Rich has contributed enormously in the philanthropic arena. He and the Marc Rich Foundation and others he created and funded have given away over 100 million dollars to charitable, cultural and civic organizations.

Mr. Green similarly has lived an extraordinary life since the alleged offenses, donating magnanimously to educational and charitable causes. Mr. Green's foundation has provided over 120 million dollars to charities the world over. He, too, has suffered enormously on the personal front from his inability to travel to the United States, or to most places in the world.

Individuals from around the world have written to express support for a pardon for Mr. Rich and Mr. Green. *See* Exhibit B. Many of these supporters know Mr. Rich and Mr. Green well, and have written striking letters of support and appreciation, documenting some of their humanitarian contributions. Set forth below is a brief history of their lives, including their rise from immigrant Jewish families to international businessmen and world class philanthropists, and excerpts from a few of the many letters of supporters attesting to the great kindness and generosity of these men.

A. MARC RICH

Marc Rich was born in Antwerp, Belgium in 1934. Facing the prospect of religious persecution, his family began moving when he was a small boy and settled for a while in Vicchy, France before successfully emigrating to the United States in 1941. The family first moved to New York City and lived with a relative, then moved to Philadelphia, then to Kansas City and then returned to the New York City area, living first in Forest Hills, then Crestwood, and then Manhattan. As a result of the travels, Mr. Rich attended a different school virtually every year through primary and secondary schools.

Mr. Rich was very affected by his father, a talented businessman with an uncompromising work ethic and a knack for success in a variety of business ventures. Fascinated with business matters, he spent much of his childhood helping his father in several of his companies. After high school, Mr. Rich started to attend New York University, but at the age of 19, he obtained a position in the mailroom with Philipp Brothers. (Philipp Brothers was then a highly regarded, if not the best regarded, physical trading company here in the United States.) Working his way up, Mr. Rich was transferred to the shipping department that was responsible for the control of all of the Philipp Brothers' physical commodities movements. Mr. Rich soon began traveling to different Philipp Brothers offices around the world, including Bolivia, Amsterdam, India, Spain and Switzerland.

While working principally with metals, Mr. Rich increasingly became convinced that Philipp Brothers could extend its trading activities to crude oil and oil products. In this, he was considered to be visionary. Indeed, Mr. Rich is credited with creating the market for the active trading of crude oil (now known as the crude oil "spot market"). Previously, crude oil sales had been handled by the major oil companies without the benefits of an international market.

Mr. Rich's business acumen was quickly recognized, and he was groomed for the role of president of Philipp Brothers. But in 1974, determined to set out on their own, Mr. Rich and Mr. Green, another former mailroom worker who had become a senior member of the Philipp's group, and a handful of other Philipp Brothers traders, started their own company, Marc Rich + Co AG ("MRAG"). It was created and headquartered in Switzerland with additional offices initially located in both London and Madrid. By 1978, a Swiss subsidiary was operating in New York, and the business was well on its way towards tremendous success. It quickly was placed in the very top ranks of international trading companies throughout the world. Despite legal difficulties with the United States in the early 1980s, MRAG became one of the world's major players in arranging for the successful transfer of raw products from producer countries to developed nations. In building this business, Mr. Rich and Mr. Green made substantial contributions to the world economy by increasing competition -- and even breaking cartels -- in the physical commodities industries.

By 1993, when Mr. Rich sold his interest in MRAG to the senior traders of the Company, the trading entity was doing over 30 billion worth of business a year and operated in over 125 countries with 40 offices worldwide and 1200 employees.

In 1996, Mr. Rich began to build a new, smaller trading company that trades in oils and metals and has a staff of about 300 people worldwide, principally in London and Switzerland. In addition to the commodities business, Mr. Rich oversees a considerably larger business dealing with investment and trading in financial instruments Mr. Rich also oversees a real estate group which invests in the creation of new, or the refurbishing of existing, commercial and residential sites in Switzerland, Spain, Portugal, Czech Republic and Russia. In the process, Mr. Rich and

his business deal directly with some of the world's best known banks, brokerage houses, oil and metal companies.

Over the years, Mr. Rich's activities increasingly have involved philanthropy. Mr. Rich's philanthropy started four decades ago. In the last two decades, he has donated over 100 million dollars to various charitable causes. He has created five foundations, including one for the purpose of finding a cure to leukemia, established after his daughter Gabrielle died of the disease in 1996.[1] That foundation has made significant contributions to medical institutions around the world, including the Memorial Sloan-Kettering Cancer Center, the Yale University School of Medicine, and the Dana Farber Cancer Institute.

The vast majority of Mr. Rich's philanthropic activities have been through his foundations where the gifts, often anonymous, are made to charities throughout much of the world. Mr. Rich currently is in the process of reducing his business activities and increasing his charitable activities, but he always has taken an active role in deciding where the foundations' monies are directed. Many of Mr. Rich's gifts are made through partnership arrangements to ensure that the funds are used entirely for charitable purposes. A description of the activities of Mr. Rich's foundations accompanies this memorandum in a separate binder.

Mr. Rich, who will be 66 on December 18, 2000, has two daughters, Ilona and Danielle, both of whom live in New York City, as do his three grandchildren and his former wife, Denise Rich. Three years ago, Mr. Rich married Gisela Rossi Rich. He has lived in the Zug, Switzerland area since 1983, and he and Mrs. Rich currently live in Meggen, Switzerland.

---

[1] Because Gabrielle lived and died in the United States, Mr. Rich felt the extra weight of being unable to personally visit with her during her final months.

Mr. Rich is a multi-talented, multilingual businessman and a philanthropist. He has used these talents for the public good, including repeated efforts to support projects that promote peace in the Middle East. Mr. Rich anonymously provided (through a United States intermediary) $400,000 to cover the shortfall necessary to achieve a settlement in the dispute between Egypt and Israel relating to the killing of Israeli civilians at Ras Burka.

Many friends and family members have written letters which support a pardon for Mr. Rich. These letters not only explain the hardships that Mr. Rich has suffered, but also describe his many social contributions. Some of those letters have been excerpted below:

> *Because of the indictment, I have seen what happens when charges are falsely -- even if just incorrectly -- made against those closest to you, and what it feels like to see the press try and convict the accused without regard for the truth. I know the immense frustration that comes when the prosecutors will not discuss their charges, and when no one will look at the facts in a fair way. My husband and I could not return to the United States because, while the charges were untrue, no one would listen -- all the prosecutors appeared to think about was the prospect of imprisoning Marc for the rest of his life. With a life sentence at stake, and press and media fueled by the U.S. Attorney, we felt he had no choice but to remain out of the country.*
>
> *Let no one think exile for life is a light burden. The world we cared about was cut off from us. When our daughter was dying from leukemia, Marc was cruelly denied the opportunity to see her by the prosecutors.*
>
> ***Denise Rich***
>
> * * *
>
> *Were [our sister Gabrielle] here today, we could not have stopped her from seeking you out in person to ask for help in pardoning our father. She loved him, stood by him and would be in the vanguard of the effort to obtain a pardon for him if she could. Like us, she suffered from the fact that for many years our family could*

not live in this country, and from the fear that our father would not be safe, or would be taken from us.

Ilona and Danielle Rich

* * *

Although I am not acquainted with the legal intricacies of his case, I do have concrete knowledge of Marc Rich's philanthropic activities in Spain, Israel and Diaspora communities and in fostering humanitarian projects as well as the cause of peace in the Middle East and elsewhere. His foundation was among the first private entities to support the Oslo Accords by sponsoring education and health programs in Gaza and the West Bank in cooperation with the Palestinian Authority. Many of the projects of people to people between Israelis and Palestinians would not have been possible without Marc Rich's generous involvement.

I would like to add my voice in support for any solution that can solve this Kafkaesque situation Mr. Rich has been in for so many years. So far no realistic solution was possible. Your clemency is almost a last resort.

I am sure that Marc Rich shall continue contributing to humanitarian causes, as well as to the cause of peace. He will be a friend of noble endeavors whatever his personal situation may be. But, a touch of clemency will serve as a token of recognition to the commitment of this unique man for his service to the community.

Shlomo Ben-Ami, Minister of Foreign Affairs, Israel

* * *

I was recently informed of Marc Rich's request for executive clemency. Knowing Marc Rich and his partners for over two decades since my years as Director General of the Finance Ministry, I am aware of the legal difficulties they have faced from the beginning.

Marc Rich has been one of our most important private individuals involved in the leading issues of our times, not only in Israel and the Jewish world, but also in supporting interfaith and coexistence work throughout the region.

Marc Rich's ability to help so many others throughout his personal, medical and legal trials has earned him the respect and admiration of all those with whom he comes into close association.

Hopefully, Marc Rich will have the opportunity to reunite with his daughters and grandchildren and enjoy many healthy years with them. I strongly support his request for executive clemency.

Yaakov Neeman, Former Minister of Justice, Israel

* * *

My relationship with Marc Rich goes back many years and his discretion and generosity has made him one of the main benefactors of Israel and the Jewish people.

The city of Jerusalem has benefited in particular from his support over the years. His efforts include a new wing at the Israel Museum, new trauma departments at the Shaare Zedek and Hadassah Medical Centers, a new wing at the Hebrew University as well as a long list of donations to associations dealing with the improvements of the quality of life in our country.

In short I have witnessed his long years of endurance and suffering as a result of the legal impasse of his case. I believe that the time has come to end his exile and allow him to rejoin his family in New York – his children and grandchildren.

Ehud Olmert
Mayor of Jerusalem

* * *

I came to know Mr. Rich in the last few years in my capacity as the newly elected President of Tel Aviv University. The two foundations established by Mr. Rich have been particularly generous to scientific, cultural and social institutions in Israel and elsewhere, and it is in this context that I first met Mr. Rich. My relationship with Mr. Rich is thus quite recent, but within a short span of time I came to know him quite well and to regard him highly. Not only is he immensely generous, but also quite exceptional, being as a rule an anonymous donor, one who does not seek recognition and publicity.

Prof. Itamar Rabinovich, President,
Tel Aviv University

* * *

I have known Mr. Rich for many years now and found him to be a fine and generous individual willing to help good causes when asked. As Head of the Mossad, (1989-1996) we requested his

assistance in looking for MIA's and help in the rescue and evacuation of Jews from enemy countries. Mr. Rich always agreed and used his extensive network of contacts in these countries to produce results sometimes beyond the expected. Israel and the Jewish People are grateful for these unselfish actions which sometimes had the potential of jeopardizing his own personal interests and business relations in these countries.

Shabtai Shavit
Former Director of Mossad

* * *

[A]s the rabbi of Efrat I have endeavored to foster positive relationships with our neighboring Palestinian villages. These Palestinians have neither health insurance nor the ability to train medical personnel of their own. Marc Rich paid hundreds of thousands of dollars to enable the Palestinians to receive proper medical help and to even send their brightest young people to medical school. He was also instrumental in building a center for early childhood education and physical training – a project which did much to foster good relations – beginning with the sports field used by Palestinians and Israelis which incidentally kept Hamas out of the villages. He did all of this without any fanfare or publicity seeking.

Shlomo Riskin, Chief Rabbi City of Efrat
Chancellor, Ohr Torah Stone

* * *

The CEIM Foundation of the Madrid Business Confederation has worked closely for many years with the Rich Foundation on a wide range of programs for the promotion of art, culture and education, especially aimed at the most underprivileged in society.

Mr. Marc Rich has always supported the initiatives our Foundation has proposed; indeed, without his backing, they could not have come to fruition. He has an abiding commitment to seeking solutions to the problems of society and to creating better conditions for the development of the individual, conscious as he is of his responsibility in this regard. In his work as a citizen, his attitude has always been proper, thus earning him significant respect in Spain, where he has lived for many years.

Fernando Fernández-Tapias
Presidente, Confederacion Empresarial DOE Madrid-CEOE

* * *

I met Mr. Rich in a totally different setting. There I saw him in action as a philanthropist. He brought vision, generosity, a desire to do good, a willingness to take a leadership role; most of all, I saw that he did good in a situation where he would not get recognition. The good deed itself and not the publicity or the possible future use evoked his commitment. I saw then that he really cares.

Rabbi Irving Greenberg, Chairman
United States Holocaust Memorial Council

* * *

In my leadership capacities over the past 10 years I have come to know Mr. Rich as a generous supporter of humanitarian projects. In particular his philanthropy provides research and health care through the Hadassah Medical Organization to Muslims, Christians, Druz and Jews in Israel and other areas of the Middle East.

. . .

Mr. Rich has made possible a large part of the Birthright Israel program.

. . .

His enormous number of quiet activities to improve the quality of people's lives because he cares deeply has made a lasting impression on me.

Marlene E. Post
Immediate Past International President, Hadassah Chairperson,
Birthright Israel, North America

* * *

All of these letters are attached as part of Exhibit B.

B. PINCUS GREEN

Pincus Green, the seventh of eight children, was born in Brooklyn, New York in 1934 in the midst of the Great Depression. Eleven years earlier his parents, Sadie and Israel, had emigrated from Communist Russia (now the Ukraine).

When the Green family arrived in the United States, Mr. Green's father opened a grocery store in Brooklyn, which became a successful business. However, before Mr. Green was born, the family savings were lost when the family's bank failed. His father then became a jack-of-all-trades, learning new skills frequently in order to find and hold a job, an effort that was made more difficult as the result of his refusal to work on Saturday, the Jewish Sabbath. To supplement his meager income, all four sons (including Mr. Green, who was the youngest son) took turns helping their father at night and on Sundays by walking around various parts of Brooklyn with a pushcart selling confectioneries to "Mom and Pop" candy stores. It was especially during these "walks" that the elder Mr. Green would tell his sons about his past and instill in them his positive attitude about the importance of hard work and perseverance. His father also instilled in Mr. Green strong religious and community values.

Mr. Green went to Jewish parochial schools, primarily in Brooklyn. He left high school at the age of sixteen to augment the family income. He first worked as a stock boy in the garment district of Manhattan. Then, in July 1951, he was employed by Philipp Brothers to work in the mailroom. Soon thereafter, he was promoted to the Traffic Department and was quite successful. In late 1954, he was again promoted, this time to Assistant Trader.

His career was interrupted by the draft in 1955. After serving in the U.S. Army, he was honorably discharged in January 1957. He returned to Philipp Brothers and, a year later, he was asked to go to the Philipp Brothers office in Istanbul, Turkey. About 18 months later, he was transferred to the European headquarters of Philipp Brothers, which was then in Amsterdam, Holland. In March 1965, the Director of Europe decided to relocate headquarters to Switzerland and asked Mr. Green to join as his assistant, which he did, and Mr. Green stayed with Philipp Brothers in Switzerland until 1974.

During his last two years with Philipp Brothers, Mr. Green worked very closely with Mr. Rich -- who was then manager of Philipp Brothers' Madrid office and who was engaged in developing the international trade of petroleum and petroleum products. Mr. Green developed an expertise in the shipping industry, especially in the tanker trade, a vital factor in moving large quantities of oil around the world.

Like Mr. Rich, Mr. Green was a founder of MRAG in 1974. Mr. Green remained headquartered in Switzerland until he and Mr. Rich relocated to the United States to help develop the company further.

In 1990, following a heart bypass operation in 1989, Mr. Green retired from his business ventures. Since that time, he has concentrated his attention on his four children and many grandchildren, the pursuit of Jewish studies and his charitable foundation, The Darchey Noam Foundation.[2] Mr. Green has been active in charitable affairs since he began working.

The Darchey Noam Foundation supports educational, charitable and social welfare projects as well as scientific and cultural activities. The foundation has donated almost 120 million dollars since its inception. The grants of the Darchey Noam Foundation (as well as many interest-free loans) have covered a vast cross-section of life and many different countries and cultures. They include efforts to help develop or expand social and welfare assistance for needy individuals and families, the provision of medical and surgical expenses, mostly to individuals, cultural activities, and support for Jewish education, including construction of buildings. These efforts have been and are being made in many countries including the United States, Israel, Switzerland, England, France, former Soviet Union, Ukraine, and South Africa.

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[2] Darchey Noam is "Pleasant Paths" in Hebrew.

Mr. Green's foundation also helps both educational institutions and their students. It gives grants to schools and gives fellowships or interest-free loans to students and also focuses on ways to support the moral, spiritual and physical advancement of individuals. This is the foundation's biggest commitment. The foundation's work for needy individuals extends to people who are at risk socially, families with a large number of children, persons rescued or imprisoned for religious, racial or political reasons, and charities which provide support to needy people and families. Finally, Mr. Green's foundation supports institutions and gives grants and awards to individuals who have excelled and rendered outstanding services in the fields of art, culture and science.

Mr. Green turned 66 on [redacted]. He married his wife Libby in December of 1957 in Cleveland, Ohio. They have four children. Their oldest son, Alan, was born in Istanbul, Turkey, and now lives in Zurich, Switzerland. His second oldest son, Robert, and his third child and oldest daughter, Sandra, were both born in Amsterdam, Holland, and both now live in London, England. His second daughter, Sarah, was born in Zurich, Switzerland and now lives near Tel Aviv in Israel. All of the children are married and each has five or more children. All are active in their local communities. Besides their own charitable activities, they assist from time to time in their father's foundation work. Pincus and Libby Green have lived in and around Zug, Switzerland since 1983.

Many friends and family members also have written letters which support a pardon for Mr. Green. Those letters portray Mr. Green as a bright, outgoing, thoughtful, wise, good humored and extremely modest person. Some of those letters have been excerpted below:

> *I have known Mr. Pincus Green for almost two decades in connection with my work. He has, with abundant generosity and sensitivity, helped support our organization continuously during*

that period. Whenever approached, he has responded with alacrity and enthusiasm. One of the areas in which he has made a pioneering contribution is his revival of Jewish life in the Former Soviet Union, where he has demonstrated resolute purpose and vision.

In his philanthropic activity, he has achieved a well deserved international reputation for his kindness, dedication, sensitivity, and modesty.

His generosity has made a difference in this world, for which all who know him are deeply grateful. He is truly a philanthropic saint.

Dr. Jerry Hochbaum, Executive Vice President
Memorial Foundation of Jewish Culture

* * *

I have known Mr. Green, whom we have always referred to as "Pinky" since I was a youngster in my pre teens. Pinky is slightly older than I am and he served as a youth leader in youth groups that our synagogue provided on Saturday afternoons. The memories that I have from the times that he was my leader are still vivid and fond. All wanted to be in his group.

My next relationship with Pinky that has been going on now for about 25 years was that of fundraiser, first for the Mattersdorf school and then for Pachad Yitzchok. And, for literally hundreds of other cases for which I have turned and appealed to Pinky for. A poor bride and groom. A large family that did not have the funds necessary to provide for the upcoming Holiday. A sick parent or child. Loans for completely unknown persons. Never was I turned down and almost as soon as the request arrived at his office, the check was on the way. All requests were treated the same.

I can go on and on, but all of the stories will lead to the same conclusion. Pinky Green is one of the finest, most scrupulous and caring people that anyone could know.

Rabbi Aaron Lasker

* * *

I have encountered countless numbers of individuals trying to better the world and make their contribution to the Jewish nation as a whole and Israeli society in particular. I have never known

anyone as generous, unassuming, and respectful of the recipients of his grants as Pincus Green.

To name just a few, he has contributed funds to individuals in need of surgery, clothes and shoes to abused children in an institution, to poor families drowning in debt and to a broad spectrum of medical, educational and social organizations. Even more extraordinary, anytime I have ever known him to make a donation of funds, he has done so anonymously. Mr. Green does not seek recognition. His generosity derives from true compassion and moral commitment.

Dr. Daniel Tropper

* * *

Eight years ago I was diagnosed with a rare malady that greatly limited the use of my hand. My new limitation was particularly disturbing because it prevented me from being able to write – the very lifeblood of the life of the scholar. I was referred by an acquaintance, Mr. Pincus Green, to the Schulthess Clinic in Zurich that performs a surgical procedure, which could restore the functioning of my hand.

Mr. Green's involvement just began here. Mr. Green met me at the airport and took me to my hotel. Each day he personally came to the hotel to drive me to the clinic, await the examination and drive me back to the hotel. And in the days that I was hospitalized he visited me each day to be certain that all my needs were being taken care of. And it was he – when I had recovered sufficiently to return home – who took me back to the airport. He even offered to cover all medical costs, which I was fortunately able to turn down.

I shall never forget the kindness that Mr. Green bestowed on me during that time.

Rabbi Yehuda Amital

* * *

Throughout his life my father has been concerned for the welfare of others and for what is right. My father could never say "No" to someone in need, and he always stood on principles and always was fair. He could never do something knowing it might be wrong. Honesty and trust are principles he believed in and stood for.

My father and his principles have had a strong impact on my life. It is a privilege to be his daughter. If his character and

contributions to the welfare of other are important, he satisfies any standard. He is a man deserving of a pardon.

Sandra Mirriam (Green) Kohn

* * *

Through his philanthropy, Mr. Green has been instrumental in instilling democratic and American values throughout the former Soviet Union, via numerous educational projects. By sending food and other humanitarian aid to large populations of needs individuals in Eastern Europe, often in cooperation with such governmental agencies as USAID, Mr. Green has quite literally helped save thousands of lives.

Shlomo N. Mandel, Ph.D

* * *

Mr. Green has been known to me for approximately 18 years, as a patient and friend of the family. I confirm that he is a honest, upright and very charitable person. He has been helpful and has financially assisted the community with donations for the needy and patients, as well as hospital donations, and is very respected within and without the community.

Dr. Harry Trost

* * *

I know Mr. Green and his family for more than 30 years, having worked together in the same organization.

Alongside his remarkable and outstandingly successful business career, Mr. Green is very active in communal, social, educational and cultural areas. His activity in these fields, both in Switzerland and abroad, is exemplary and has caused his name to be a synonym for compassion and charity.

Dr. D. Jeselsohn

* * *

I am writing to you on behalf of Mr. Pincus Green, who I have known for 25 years and have also worked closely together with him for many years.

During the many years he has lived here in Switzerland he has lived an exemplary life and has made many voluntary contributions on a large scale to the society. I can recommend him to all people and institutions.

Josef Guggenheim

* * *

As his Rabbi Mr. Green has consulted with me concerning many personal as well as communal issues. His concern for the pain of others and the community at large was paramount. He is also a very modest person who would insist that his charity would not be disclosed.

I know of many instances where he helped variegated institutions involved in social welfare, education and religious needs of the entire spectrum of the community.

Rabbi David Cohen

* * *

I am pleased to be recognized as the older brother of Pincus Green. He is a person of generosity and integrity whose devoted attention to individual and communal causes has been the pride of our family.

We have a deep respect for his intellectual acumen and for his concern for the welfare of our community and of our family. His caring, his insight and his generosity assured our parents the respect and caring they enjoyed in their later years. His knowledge of the world has been a source of help to his siblings as they confronted economic and physical hardships.

Solomon H. Green

* * *

As President on Ner Israel Rabbinical College, I have known Pincus Green for over twenty years. Although his son Aaron was only in our school for a very short period of time, Mr. Green has recognized the importance of our institution as one of the foremost citadels of higher Jewish learning in the world. In almost seventy years of existence, Ner Israel has trained and continues to graduate rabbinic, educational, communal and knowledgeable

laymen who occupy positions of leadership throughout the Jewish world.

Rabbi Herman N. Neiberger

All of these letters are attached as part of Exhibit B.

* * *

Other than the allegations for which clemency is sought, Mr. Rich and Mr. Green never have been charged with a crime. Indeed, Mr. Rich's and Mr. Green's lives both before and after the accusations have been ones of hard-working, resourceful businessmen who have become remarkably successful and have devoted much time and money to philanthropy and statesmanship.

In short, individuals and institutions around the world have benefited tremendously from the generosity and goodness of Mr. Rich and Mr. Green. These acts of kindness alone would be sufficient to warrant a pardon, but when combined with the other grounds set forth herein, provide more than ample reason for the issuance of a Presidential Pardon.

II. MR. RICH AND MR. GREEN WERE SUBJECTED TO AN UNPRECEDENTED CRIMINAL INVESTIGATION, A UNIQUE INDICTMENT BASED ON NOW-DISCARDED AND REJECTED THEORIES, AND AN AGGRESSIVE PROSECUTION FOR ALLEGED REGULATORY VIOLATIONS THAT DID NOT OCCUR.

The investigation, indictment and prosecution of Mr. Rich and Mr. Green for alleged crimes arising out of the Department of Energy's oil regulatory program was unprecedented, unique, and fundamentally unfair. It was, in short, an unbearable experience in which Mr. Rich and Mr. Green felt the full weight of the United States government's prosecutorial powers.

A. The Oil Price Control Program.

The criminal case began as an energy investigation that had its roots in the federal oil price control program instituted in the 1970's in response to the energy crisis and high inflation.

An elaborate array of statutes and regulations empowered the Department of Energy ("DOE") to limit the prices and profits on crude oil sales in the United States. Oil and oil-trading companies in the United States and around the world, including Marc Rich + Co. International Ltd. ("MRI," a Swiss subsidiary of MRAG that operated in the United States), were affected by these laws and regulations. These rules soon proved to be unworkable, however, and were ended in January 1981 by President Reagan's first executive order.

While it was in effect, the price control regime established an extremely complicated pricing structure for producers' first sale of domestic oil, differentiating between three different classifications of crude oil that were otherwise identical, and even could have originated from the same well. In addition to imposing limits on the prices producers were allowed to charge on their sales of crude oil, the DOE regulations limited the profits that were allowed to be earned by oil trading companies, such as MRI, which purchased crude oil and then resold it to others in the distribution chain. The DOE regulations limited existing resellers' average monthly profits by assigning to each reseller a DOE-calculated "permissible average markup" or "markup" on regulated crude oil transactions, derived from the firm's own historical profit margins. Companies which were new to the resale business, like MRI, were free of these limits until DOE could determine an allowable markup. After a lengthy study that was finally completed in the summer of 1980, only months before decontrol occurred, DOE established a fixed allowable markup for all new resellers like MRI on transactions covered by the regulations.

B. The Prosecution of Marc Rich and Pincus Green.

In September 1983, a criminal indictment of MRAG, MRI, Mr. Rich, Mr. Green (and an individual who had worked for a company with which MRI did business) was filed by Mr. Rudolph Giuliani, the U.S. Attorney for the Southern District of New York. A superseding

indictment was filed in March 1984 against the same parties. The superseding indictment, together with a summary, is attached as Exhibit A. Both versions of the indictment include allegations of tax evasion, conspiracy, mail fraud, wire fraud, racketeering, and violations of regulations restricting purchases of oil from Iran during the hostage crisis.

The indictment -- in addition to unfairly singling out these individuals and these companies for criminal enforcement when all others engaging in similar activity were pursued, if at all, in civil regulatory actions -- is fatally flawed. This was the first use of the RICO statute in a business transaction context. Following the indictment, the United States government recognized the misuse of RICO in tax fraud cases and issued guidance in the United States Attorney's Manual explicitly stating that tax offenses are not predicates for RICO offenses. *See* USAM ¶ 6-4.211(1), adopted July 14, 1989. The mail fraud claims became defective as a result of the United States Supreme Court's decision in *McNally* v. *United States*, 483 U.S. 350 (1987). The Iranian counts were added to the indictment to incite public opinion against the defendants. In essence, the prosecutors accuse Mr. Rich and Mr. Green of causing the companies to trade with Iran when, under the applicable regulations, the companies *were permitted* to trade with Iran. The prosecutors quietly dropped the Iranian claims against the companies, but never dealt with the claims against the individuals.

The alleged tax evasion was the core of the indictment. The indictment contended that MRI, a Swiss corporation, had evaded more than 48 million dollars in United States income taxes on its oil trading activity. Essentially, the United States Attorney's Office in New York alleged that regulated oil was sold at profits exceeding the permitted maximum level, and the reporting of the excess profits was evaded by secretly diverting them offshore.

The tax treatment of the transactions in the indictment, however, is governed by a U.S.-Swiss tax treaty, which was ignored by the prosecution. Under the controlling treaty at the time, income from a sale by a Swiss company is attributed to the location where title to the property passed, and if a revenue-generating sale occurred outside the borders of the United States, as it did here, it would not be subject to U.S. taxes. The transactions in issue were consistently reported in accordance with the tax treaty.

The propriety of this tax treatment has been confirmed by the independent analyses of two of the nation's leading tax experts -- Professors Bernard Wolfman of Harvard Law School and Martin D. Ginsburg of Georgetown University Law Center -- who have concluded that the United States government should not prevail even in a civil tax case. Professors Wolfman and Ginsburg submitted their conclusions in writing to the U.S. Attorney's Office over ten years ago, but their offer, renewed on several occasions, to discuss their submission with the Office was repeatedly denied. A copy of the thoughtful and thorough submission by Professors Wolfman and Ginsburg is attached as Exhibit C.

Following the indictment, the United States Attorney's Office, led by Mr. Giuliani, pursued the companies and individuals aggressively both in Court and in the press, and put extreme pressure on Mr. Rich and Mr. Green, who were residing in Switzerland at the time, to come to the United States to stand trial. Not only did Mr. Giuliani and other prosecutors from his office speak frequently to the media in off and on the record conversations, the office held formal press conferences where purported "evidence" against Mr. Rich and Mr. Green was showcased to the press.

Mr. Rich and Mr. Green, not surprisingly, refused to leave Switzerland because of concerns that they would not be viewed in a fair and objective fashion in what was certain to be a

highly-publicized trial. (Indeed, the case received almost daily coverage on the front pages of the business section of the New York Times.) Undeterred, the U.S. Attorney's Office requested the extradition of Mr. Rich and Mr. Green from Switzerland despite knowing that Switzerland did not view these alleged offenses as extraditable crimes. In short order, the Swiss government refused the request as incompatible with Swiss law and the terms of the U.S.-Swiss extradition treaty.

Meanwhile, the United States had frozen the assets of MRI, which had been renamed Clarendon during this period, thereby making it virtually impossible for Clarendon to do business in the United States. A fine of $50,000 a day also was levied on MRAG by the District Court in connection with discovery disputes; this fine continued to run even after the Swiss authorities enjoined the companies from producing a handful of documents that remained in Switzerland. Huge RICO forfeitures also were pursued. Clarendon's ongoing business was completely disrupted and most U.S. employees lost their jobs. MRAG's business was also severely interrupted and its U.S. bank relationships shattered. Under the circumstances, a settlement seemed to be the only way for both sides to bring the matter to conclusion while still preserving the company.

C. Settlement with the Corporations.

In October 1984, to save the ongoing business entities, MRAG and Clarendon entered into a plea agreement that fully settled the case against these companies. Under the terms of the plea agreement, MRAG and Clarendon pleaded guilty to several charges of making false statements and Clarendon, in addition, pleaded guilty to two counts of tax evasion. Altogether, they paid a total of approximately 200 million dollars in back taxes, interest, fines and foregone tax deductions, an amount far in excess of any taxes, penalties or interest which might have been

assessed in a civil tax proceeding. In return, the United States government lifted the freeze placed on company assets and removed all other restrictions on MRAG's and Clarendon's ability to do business. In addition, the settlement allowed the payment of 130 million dollars to fourteen banks in repayment of money borrowed by Clarendon prior to the freezing of its assets.

The surrender by the companies was as unfair as it was inevitable. The Department of Justice, finally recognizing the coercive effect of overdrawn forfeitures, adopted rules in 1989 prohibiting prosecutors from seeking forfeitures or pretrial restraints that are disproportionate or disrupt normal, legitimate business activities. *See* USAM ¶ 9-110.415. This leveling of the playing field, however, came too late for the companies.

D. Post-Settlement Discussions with the Department of Justice.

Despite the settlement with the companies, the criminal indictment against Mr. Rich and Mr. Green remains in effect. While counsel for Mr. Rich and Mr. Green have pursued efforts to engage in settlement discussions with the Southern District of New York periodically over the past 16 years, these discussions have not come to fruition. Indeed, the Office takes the position that it will not even discuss the matter while Mr. Rich and Mr. Green continue to live outside of the United States. In fact, however, the Southern District has negotiated with numerous other absent defendants over the years, and the Department of Justice has no such policy against such negotiations.

As a result of arrest warrants submitted by the United States to the governments of a number of countries, the freedom of movement of Mr. Rich and Mr. Green has been severely restricted. The United States also has sought to extradite Mr. Rich and Mr. Green from Israel, but like Switzerland, it refused to grant this request. As a result, Mr. Rich and Mr. Green cannot

be forced to come to the United States, but they cannot freely travel. A continuing stalemate is in place, which not only has hurt Mr. Rich and Mr. Green, but their families as well.

As recently as this year, Mr. Rich and Mr. Green, through counsel, sought once again to reach a negotiated resolution of Mr. Rich's and Mr. Green's status, and offered to begin a dialogue by having Professors Wolfman and Ginsburg meet with tax experts in the Department of Justice. This proposal, however, was vetoed by the Southern District.

III. THE OFFENSES ALLEGED AGAINST MR. RICH AND MR. GREEN NEVER HAVE BEEN CHARGED AGAINST SIMILARLY SITUATED INDIVIDUALS OR CORPORATIONS.

In many regards, Mr. Rich's and Mr. Green's case is *sui generis*. The transactions that are the subject of the indictment were heavily counseled and lawyered by major U.S. accounting and law firms, and they were conducted with major U.S. oil companies. Nevertheless, Mr. Rich and Mr. Green[3] were the only individual targets and the Swiss companies MRAG and Clarendon were the only corporate entities pursued criminally for activities that were widely engaged in by the oil industry at the time. In contrast, an extensive investigation by DOE resulted only in an administrative sanction against ARCO, the primary beneficiary of a major group of the transactions charged in the indictment.

DOE found that ARCO had orchestrated linked foreign and domestic transactions, all at prices which were calculated by ARCO, and that the Swiss companies had properly accounted for the transactions on their books.[4]

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[3] One other individual, whom the government sought as a witness, was charged after he declined to cooperate, and pled to a crime for which he had not otherwise been charged and received probation.

[4] United States Department of Energy Economic Regulatory Administration Proposed Remedial Order Issued to ARCO on October 4, 1985, at 17-19.

The unique manner in which Mr. Rich and Mr. Green have been treated over the past twenty years provides yet a further reason for a pardon. We are unaware of any basis -- and certainly the Department of Justice has asserted none -- for treating Mr. Rich and Mr. Green in a fundamentally different manner than others who commonly engaged in similar transactions or, in ARCO's case, actually participated in many of the same transactions covered by the indictment. This is particularly troubling because DOE's evaluation of these transactions indicated that the Swiss companies (and not ARCO) properly had accounted for the transactions. This evaluation by DOE -- the agency of the United States government responsible for administering the energy laws -- plainly contradicts the Southern District of New York's indictment.

IV. A PRE-CONVICTION PARDON IS A CONTEMPLATED AND APPROPRIATE USE OF THE PRESIDENTIAL PARDON POWER.

The Pardon Power exists as a recognition of the fact that in some situations -- like the one Mr. Rich and Mr. Green have faced for nearly 20 years -- the President may be called upon to deliver justice that cannot reasonably be obtained in any other manner. As former President and then-Chief Justice Taft wrote for the Supreme Court in *Ex parte Grossman*, 267 U.S. 87, 120-21 (1925):

> Executive clemency exists to afford relief from undue harshness or evident mistakes in the operation or enforcement of the criminal law. The administration of justice by the courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy, it has always been thought essential in popular governments, as well as in monarchies, to vest in some other authority than the courts power to ameliorate or avoid particular criminal judgments.

In the present case, the normal operation of the enforcement of the criminal laws has failed Mr. Rich and Mr. Green, and we believe that it has failed the United States as well. There should be no doubt that the nearly 20 year-old indictment against Mr. Rich and Mr. Green should

never be successfully prosecuted because of changes in both the law and DOJ policy, and, as Professors Ginsburg and Wolfman have concluded, there was no underreporting of tax. Mr. Rich and Mr. Green repeatedly have sought to resolve the situation by having their counsel meet with the United States Attorney's Office for the Southern District of New York. Their efforts to persuade that Office of Mr. Rich's and Mr. Green's innocence have failed. This failure, however, has not been based upon the Office's careful review of the merits of its case but because the Office has refused to reconsider its position.

On June 3, 1994, counsel Lawrence Urgenson wrote to Assistant United States Attorney Patrick Fitzgerald of the Southern District a thought-provoking nine page letter detailing why a discussion was appropriate and why the matter had not been fairly aired. (*See* Exhibit D.) Subsequently, in 1999, counsel Jack Quinn and Kathleen Behan wrote to United States Attorney Mary Jo White that "[w]e believe that there are very real and important legal policy issues raised by the indictment. . . . We are hopeful that you will agree that the time for a constructive dialogue with the Government is now." (*See* Exhibit E.) In each case, the Southern District sent a short note in response, refusing to consider the matter while Mr. Rich and Mr. Green were abroad. (*See* Exhibits F and G.) Evidence of an earlier attempt to open a dialogue is found in Exhibit H, an overview and analysis of the matter provided by counsel to the Southern District in 1990.

This refusal by the United States government even to engage in a discussion of the merits of the case leaves Mr. Rich and Mr. Green in an untenable position: the only way for them to exonerate themselves is to come to the United States, face immediate incarceration and a certain media circus, and stand trial. However, as a practical matter, this option is illusory. The corporations were forced to plead guilty to save themselves, and that will forever stain the hopes

of a fair trial. And the U.S. Attorney's Office has refused to even consider Mr. Rich's and Mr. Green's position that they, in fact, are not guilty of the criminal charges. As a result, a negotiated resolution seems impossible.

Under the circumstances, then, this case will not be resolved through trial, settlement or the withdrawal of the indictment. The only process that will resolve the controversy and allow Mr. Rich and Mr. Green the full opportunity to pursue their humanitarian efforts (without requiring the United States Attorney's Office to confess any error), is for the President of the United States to pardon Mr. Rich and Mr. Green.

The grant of such a pardon plainly is within the President's authority. The Presidential Pardon Power "extends to every offense known to the law and may be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction or judgment. . . ." *Ex parte Garland*, 71 U.S. 333, 380 (1866). Indeed, the Presidential prerogative to issue pre-conviction pardons was established at the Constitutional Convention, when the Foundering Fathers considered and rejected a proposal to limit the Pardon Power until "after conviction." *IV The Debates in the Several State Conventions on the Adoption of the Constitution 480* (Jonathan Elliot ed. 1836). As former Assistant Attorney General Walter Dellinger has advised this Administration: "Throughout this nation's history, Presidents have asserted the power to issue pardons prior to conviction, and the consistent view of the Attorney General has been that such pardons have as full an effect as pardons issued after conviction." *Effects of A Presidential Pardon*, 19 U.S. Op. O.L.C. No. J, 1995 WL 861618 (June 19, 1995).

From this country's very inception, Presidents have issued pardons to persons before trial. In advising President Harrison that a "pardon may be granted before or after conviction," then-Solicitor General William Henry Taft described the use of pardons by Presidents

Washington, Adams and Madison to persons before trial. 20 U.S. Op. Atty. Gen. 330 (1892) (*See* Exhibit I). Such pardons also were issued to those who evaded the draft in World War I by President Wilson and the Vietnam War by President Carter. Other recent and notable uses of the pardon power prior to trial include President Ford's pardon of former President Nixon and President Bush's Christmas Eve pardon of Casper Weinberger and others associated with what has come to be known as the Iran-Contra Affair. *See Proclamation 6518 – Grant of Executive Clemency*, 57 Fed. Reg. 62145 (Dec. 24, 1992) (pardoning six individuals involved in the Iran-Contra Affair). (*See* Exhibit J.)

* * * * *

Finality, fundamental fairness and justice -- these three principles motivate and inform the Presidential Pardon request of Mr. Rich and Mr. Green. Given the length of time that this matter has been pending -- and the absence of <u>any</u> potential for a negotiated resolution, a pardon is not only in the best interests of Mr. Rich and Mr. Green, but also of the United States.

These two men, who are now in their late sixties, indisputably have made careful, considered and effective contributions to the public good on a truly extraordinary scale in the twenty years since their exile from the United States. The recalcitrant and unreasonable refusal of the Southern District of New York to even engage in a meaningful discussion toward a resolution of this matter with Mr. Rich and Mr. Green has caused them both extensive harm. A Presidential Pardon will bring closure to this matter. It will "afford relief from [the] undue harshness or evident mistake in the operation or enforcement of the criminal law" that has so affected this case. *Ex Parte Grossman*, 267 U.S. 87, 120 (1925). And finally, it will allow Mr. Rich and Mr. Green to be with their families to devote the remaining years of their lives to the continuation and extension of their philanthropic activities both in the United States and

throughout the world. Accordingly, for the reasons stated herein and the accompanying Appendix, we respectfully submit that Mr. Rich and Mr. Green's petition for a Presidential Pardon should be granted.

Respectfully submitted,

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Summary of U.S. Criminal Case Against Marc Rich and Pincus Green

In 1980 and 1981, two Swiss companies associated with Marc Rich and Pincus Green engaged in a series of linked transactions involving foreign and domestic oil. These transactions, which also involved major U.S. oil companies, occurred during the period when the United States was still regulating energy prices and were not unlike many other transactions widely engaged in during this period. In accordance with the law and following the advice of competent counsel, payments attributable to the offshore aspects of the linked transactions were properly treated as exempt from U.S. taxes as well as U.S. energy price controls, which were shortly thereafter repealed.

The U.S. Attorney investigating the matter, Rudolph Giuliani, ambitiously turned the proper reporting treatment of these complex corporate transactions – essentially a routine civil allocation dispute – into a highly politicized criminal tax and energy fraud case alleging that domestic oil revenues were improperly diverted offshore. None of the major U.S. oil producers, however, which actually were the ones who insisted on linking their domestic oil sales with offshore foreign oil transactions, was ever criminally prosecuted.

The indictment also includes charges brought under RICO, a punitive and much-criticized statute designed to combat organized crime, leading to the imposition of restraints and a severe disruption of business activity. This was the first use of RICO in a tax case, a practice which the U.S. Government itself has since recognized to be inappropriate and has abandoned. As part of a destructive publicity campaign, inflammatory accusations of illegally trading with Iran were further leveled, but this charge was challenged by the companies and dropped against them.

The case achieved particular notoriety in 1983, when the U.S. Government demanded, in contravention of Swiss law, copies of documents located in Switzerland. Even though the United States and Switzerland had recently agreed to procedures for such international requests, the United States refused repeated pleas by the Swiss Government to follow these procedures and imposed heavy fines on the companies.

Threatened with the collapse of the entire company, even before trial, and overwhelmed by ruinous publicity, the companies were forced to plead guilty in order to survive. Fines totalling nearly $200 million were paid, and an enormous amount of business was lost as a result of being improperly accused of racketeering.

Shortly after the conclusion of the case against the companies in 1984, the Department of Energy itself reached conclusions supporting the manner in which the challenged transactions were originally reported. Moreover, two of the country's leading tax experts have independently confirmed the correctness of the tax reporting of the transactions. Nevertheless, counsel for Messrs. Rich and Green have repeatedly been denied the opportunity to demonstrate conclusively to the prosecutors that none of the charges have merit. In light of this impasse and the serious consequences already suffered, a Presidential pardon of these two men is requested in the interests of justice and finally to bring this nearly twenty-year old case to a close.

U.S. Departm. of Justice

MJA:jcj

United States Attorney
Southern District of New York

One Saint Andrew's Plaza
New York, New York 10007

March 6, 1984

Honorable Shirley Wohl Kram
United States District Judge
United States Courthouse
Foley Square
New York, New York 10007

Re: United States v. Marc Rich, et al.
83 Cr. 579 (SWK)

Dear Judge Kram:

Enclosed herewith please find a superseding indictment returned late yesterday in the above referenced matter. None of the modifications requires additional discovery or calls for additional motions. On the contrary, we believe that the changes will facilitate and expedite the disposition of the defendants' motions and the trial of this matter. To assist your review of this superseding indictment, we have provided a detailed summary of the changes that have been made:

1. The structure of the Indictment. The Indictment has been reorganized so that the mail and wire fraud schemes to defraud the IRS and the Department of Energy ("DOE") are now alleged first, followed by the statutory RICO charges to which they give rise.

Count One of the original Indictment, charging RICO conspiracy, had set forth the various schemes to defraud which served as the predicate acts underlying the RICO conspiracy and substantive counts. In the original Indictment, those allegations were realleged in Count Two, the substantive RICO count and then again in the substantive fraud scheme counts: Five through Twenty-four (IRS fraud); Twenty-five through Twenty-eight (DOE fraud); and Twenty-nine through Forty-three (Iranian fraud).

The superseding Indictment simplifies the structure of the charges and reduces the amount of repetition by simply charging the various mail and wire fraud predicates first and then following them with the RICO substantive and RICO conspiracy

counts. Thus, the superseding Indictment charges, in Counts One through Twenty-three, the scheme to defraud the IRS. (The allegations in paragraphs 1-23 are substantially the same as those in paragraphs 12-25 and 40-42 of the original indictment with the addition of three specific counts discussed below.) Next, the superseding Indictment charges the scheme to defraud the DOE, in counts Twenty-four through Thirty-eight. (Paragraphs 24-27 are substantially the same as paragraphs 26, 27, and 43-45 of the original Indictment, with the addition of eleven specific mail fraud counts discussed below.)

Because, as discussed below, the Iranian fraud scheme predicates have been removed from the RICO counts, the superseding Indictment proceeds next to the RICO substantive count, Count Thirty-nine. (The allegations in this count are substantially the same as those as charged in paragraphs 7, 11 and 30 through 32 of the original Indictment.) Next, the superseding indictment charges a RICO conspiracy, in Count Forty. (This is substantially the same as paragraphs 9 and 10 of the original indictment.) Count Forty is followed by the forfeitures section, paragraphs 37-41 which are identical to paragraphs 33 through 37 of the original indictment. Next, the superseding Indictment charges two counts of tax evasion, Counts Forty-one and Forty-two, which are identical to Counts Three and Four of the original indictment.

2. The scheme to defraud the Treasury re: Iran. AG and International have now been eliminated as defendants in the counts charging the scheme to defraud the Treasury Department with respect to Iranian transactions. The primary focus of those counts has always been the activities of the American individuals, Marc Rich and Pincus Green. Indeed, Counts Forty-three through Fifty-one of the original indictment charge only those two defendants with respect to the actual transactions done with Iran. Given the fugitivity of the defendants Rich and Green, the Government has confined the Iranian fraud scheme counts, now Forty-three through Fifty-seven, to the individuals, eliminating the corporations as defendants in those counts. The elimination of AG and International as defendants in these counts should also eliminate all challenges to the original Indictment based on their previous inclusion in those counts.

3. The RICO counts. Because the scheme to defraud the Treasury Department with respect to Iranian transactions no longer charges the defendants that have appeared for trial, that fraud scheme has been removed as a predicate for the RICO counts

of the superseding indictment. The removal of that fraud as a RICO predicate will have the collateral consequence of eliminating the concern expressed by the defendant Meltzer with respect to prosecution for RICO violations predicated in part on a scheme with which he was not charged.

4. The additional wire fraud counts. The superseding Indictment adds three new wire fraud counts concerning telefaxes transmitted on or about February 1, 9 and 10, 1981, allegedly in furtherance of the scheme to defraud the IRS. These three counts, Seven, Eight and Nine, (S. Ind. at 20) simply refer to telefaxes of various notes concerning the West Texas Marketing pot, and relate to facts fully described in the original Indictment. These added counts do not alter the theory of the fraud, its scope, or the proof anticipated at trial. Discovery has already been made with respect to these counts.

5. The additional mail fraud counts. The superseding Indictment adds eleven new counts of mail fraud to the scheme to defraud the DOE. These new counts, Twenty-seven through Thirty-eight refer to allegedly inflated invoices mailed by West Texas Marketing and Listo to International in furtherance of the alleged DOE fraud. These counts relate directly to the allegations in Paragraphs 22(d) and 22(l) of the superseding Indictment which are the same as those in Paragraphs 25(d) and 25(l) of the original indictment. Thus, these new counts do not alter the theory or proof of this case and have already been the subject of discovery provided to the defendants.

6. The DOE regulations. The background discussion of the DOE regulations which now appears in paragraphs 12 through 21 has been expanded to clarify the relationship between maximum lawful selling price controls imposed on oil the first time it was sold in the United States market and the subsequent limitation on prices achieved through the permissible average markup. (See particularly S. Ind. ¶ 19).

7. The daisy chain allegations. The allegations concerning International's role as the original reseller into daisy chains, now alleged in Paragraph 18, have been revised to eliminate all references to illegality and to clarify the fact that the defendants are not being charged with crimes relating to mis-certification of crude oil. As the defendants have noted, allegations such as those which have been retained, do not themselves allege any illegality.

8. The purported sale of International. The description of International which appears in paragraph 5 of both the original and superseding Indictments has been expanded to describe the purported sale of International and the resulting change in the name by which it is now known.

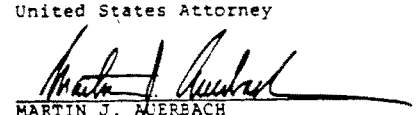
9. The absence of Rich and Green. The fact that Marc Rich and Pincus Green have left the jurisdiction and have not returned is alleged in the last sentences of paragraphs 1 and 2 of the new indictment, respectively.

10. Typographical errors, such as the omission of the defendant Meltzer's name from the list of defendants in the first four predicate acts under the heading II. The Scheme to Defraud the DOE, in the RICO count (S. Ind. at p. 31-32), have been corrected.

We would appreciate your arraigning the defendants on the superseding Indictment at the Court's earliest convenience.

Respectfully submitted,

RUDOLPH W. GIULIANI
United States Attorney

By: 
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	
- v -	:	INDICTMENT
MARC RICH, PINCUS GREEN, CLYDE MELTZER, MARC RICH + CO., A.G., and MARC RICH + CO. INTERNATIONAL, LTD., now known as "Clarendon Ltd."	:	S 83 Cr. 579 (SWK)
Defendants.	:	

COUNTS ONE THROUGH TWENTY-THREE

THE SCHEME TO DEFRAUD THE IRS

The Grand Jury charges:

Introduction

At all times relevant to this Indictment, except as otherwise indicated:

1. The defendant MARC RICH is a United States citizen and a principal shareholder and Chairman of the Board of Directors of the defendant MARC RICH + CO., A.G. ("AG"), and Chairman of the defendant MARC RICH + CO. INTERNATIONAL, LTD. now known as "Clarendon Ltd.," ("INTERNATIONAL"). In or about the summer of 1983, the defendant MARC RICH left the United States and has not returned.

2. The defendant PINCUS GREEN is a United States citizen and a principal shareholder and member of the Board of Directors of the defendant AG, and President of the defendant INTERNATIONAL. In or about the summer of 1983, the defendant PINCUS GREEN, left the United States and has not returned.

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3. The defendant CLYDE MELTZER is a United States citizen and vice-president in charge of crude oil trading for Listo Petroleum, Houston, Texas. In or about late summer 1982, the defendant CLYDE MELTZER was hired as a crude oil trader by the defendant INTERNATIONAL.

4. The defendant AG is a Swiss corporation which is engaged in the worldwide business of trading commodities, including crude oil, and transacts and does business in the United States. The defendant AG does not file United States corporate income tax returns.

5. The defendant INTERNATIONAL is a wholly-owned Swiss subsidiary of the defendant AG, which is in the business of trading commodities, including crude oil, in the United States. The defendant INTERNATIONAL has its principal offices in New York City and in Zug, Switzerland. The defendant INTERNATIONAL files United States corporate income tax returns. During 1980 and 1981, revenues generated by the defendant INTERNATIONAL from crude oil trading constituted the principal part of the defendant INTERNATIONAL's reportable income in the United States for corporate income tax purposes. As a reseller and trader of crude oil in the United States, defendant INTERNATIONAL was also subject to the oil price control rules and regulations administered by the Department of Energy as set forth in Paragraphs 12 through 21 below. In or about July 1983, the defendant AG purported to sell the defendant INTERNATIONAL to all shareholders of the defendant AG except the defendants MARC

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RICH and PINCUS GREEN, who remain the principal shareholders of the defendant AG. As a result of the purported sale, the name of the defendant INTERNATIONAL was changed to Clarendon Ltd.

6. Rescor, Inc. ("Rescor") and Highams Consultants ("Highams") are wholly-owned Panamanian subsidiaries of the defendant AG engaged in the business of trading crude oil. Rescor and Highams do not maintain separate sets of books and records from the defendant AG.

The Scheme to Defraud

7. From in or about January 1980, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, and INTERNATIONAL, the defendants, together with others known and unknown to the Grand Jury ("co-schemers"), unlawfully, wilfully and knowingly would and did devise and intend to devise a scheme and artifice to defraud the United States and an agency thereof, to wit, the Internal Revenue Service, in its lawful governmental function of administering and overseeing the collection of taxes in the United States, and to obtain money and property by false and fraudulent pretenses, representations and promises. The defendants engaged in this scheme as part of a pattern of racketeering activity in which they concealed in excess of $100 million in taxable income of the defendant INTERNATOINAL, most of which income was illegally generated

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through the defendants' violations of federal energy laws and regulations. This scheme, and pattern of racketeering activity, enabled to defendant INTERNATIONAL to evade in excess of $48 million in United States taxes for the 1980 and 1981 tax years.

8. It was part of said scheme and artifice to defraud the IRS that the defendants MARC RICH and PINCUS GREEN would and did cause third party companies, to wit, West Texas Marketing ("WTM"), Abilene, Texas, and Listo Petroleum ("Listo"), Houston, Texas, with the aid of the defendant CLYDE MELTZER, to conduct business for and on behalf of the defendant INTERNATIONAL and to conceal approximately $71 million in domestic profits belonging to the defendant INTERNATIONAL by making it appear that such profits had in fact been earned by WTM and Listo rather than by the defendant INTERNATIONAL.

9. It was further part of said scheme and artifice to defraud the IRS that the $71 million in domestic profits of the defendant INTERNATIONAL being concealed and held by WTM and Listo would be and were moved by wire transfers to foreign bank accounts of the defendant AG and its wholly-owned subsidiaries Rescor and Highams through a series of sham transactions involving foreign crude oil, in which WTM and Listo purportedly "lost" to the defendant AG amounts equivalent to the concealed profits actually belonging to the defendant INTERNATIONAL.

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10. It was further part of said scheme and artifice to defraud the IRS that the defendants and their co-schemers would and did create in excess of $31 million in fraudulent deductions for the defendant INTERNATIONAL by fabricating transactions between the defendants AG and INTERNATIONAL relating to offshore oil deals between the defendant AG and Charter Oil Company Bahamas. As a result of these sham transactions, over $31 million in taxable income was diverted from the defendant INTERNATIONAL offshore to the defendant AG.

11. It was a further part of said scheme and artifice to defraud the IRS that the defendants and their co-schemers would and did create $2,716,510.00 in fraudulent deductions for the defendant INTERNATIONAL by fabricating a transaction between the defendant INTERNATIONAL and Rescor involving the purchase of foreign crude oil by Rescor. As a result of this sham transaction, $2,716,510.00 in taxable income was diverted from the defendant INTERNATIONAL offshore to the defendant AG through Rescor.

Background: Oil Price Control Regulations

12. The Emergency Petroleum Allocation Act (EPAA) of 1973, Title 15, United States Code, Section 751, et seq., and the regulations promulgated thereunder (the "regulations"), provided for price controls and mandatory allocation of all crude oil produced in or imported into the United States.

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13. Under various of the regulations, the United States, through the Department of Energy ("DOE"), limited the prices that could be charged for domestic crude oil. Under the regulations, the permissible price was different for different regulatory categories of crude oil.

14. The regulatory categories of crude oil were "old" (also called "lower tier"), "new" (also called "upper tier") and "stripper." Crude oil was categorized or labelled "old," "new", or "stripper" depending on the history or the level of production of the well from which the oil came. Crude oil coming from a well at or below a designated 1972 level of production was labelled "old"; "new" oil referred to crude oil discovered since 1973 or oil obtained from existing wells in excess of the 1972 level of production; "stripper" oil referred to crude oil produced from a well whose average daily production was less then ten barrels. These categories (or labels) corresponded to price control categories and were not based on any physical or chemical characteristics of the oil. Since the oil was physically identical, oftentimes a quantity of domestic crude oil contained components of old oil, new oil and stripper. A barrel of domestic crude oil with a new oil or old oil component was referred to as a "controlled barrel." Stripper oil was referred to as "uncontrolled."

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15. Old oil (lower tier) had the lowest maximum lawful selling price. New oil (upper tier) had a higher maximum lawful selling price than old oil. Stripper oil was exempt from price controls and could be sold at the world market price which was far in excess of the prices for old and new oil. Depending on the type of crude oil, a stripper barrel would at relevant times sell for in excess of $20 more than a lower tier barrel and $15 more than an upper tier barrel of like quality.

16. Under the regulations, an entity which purchased and resold crude oil without substantially changing its form by refining, processing or other means was defined as a crude oil reseller. The defendant INTERNATIONAL was a crude oil "reseller" under the regulations.

17. Every seller or reseller of a volume of domestic crude oil was required by the regulations to certify in writing to the purchaser the respective amounts and prices of old oil, new oil, and stripper oil contained in the crude oil being sold. The DOE periodically audited and reviewed the records of sellers and purchasers of crude oil, which records were required to be kept by law, to determine compliance with the regulations.

18. During the period of price controls, in order to evade the regulations and produce huge profits, controlled oil was on occasion sold through a series of oil resellers known in the crude oil industry as a "daisy chain." The defendant INTERNATIONAL frequently participated as the original reseller of controlled oil into a "daisy chain." The "daisy chain" was

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utilized by the original reseller to make it extremely difficult to trace the movement of controlled barrels and to facilitate alteration of the certifications on controlled barrels into stripper barrels (uncontrolled) which could then be sold at the much higher world market price. The original reseller of controlled oil into the "daisy chain" would receive, at the conclusion of the "daisy chain," an equivalent quantity of crude oil certified as stripper barrels at drastically discounted prices from the world market value. The original reseller would then sell these stripper barrels at the world market price and realize enormous profits. Each of the oil companies in the "daisy chain" made a smaller profit.

19. Under the regulations, the maximum lawful selling price set by the DOE for a barrel of old oil or new oil only controlled the price of that barrel the first time it was sold in the United States market. To control the price of that barrel when it was resold, the DOE simply limited the amount of markup a reseller could add to the original price. The same markup restrictions were used to limit the price of stipper oil when it was resold. Thus, while the price of a barrel of stripper oil was uncontrolled the first time it was sold in the United States market, if that barrel was resold, the DOE limited the markup the reseller could add to the original, uncontrolled price. The DOE restricted the amount of markup a reseller could add to the price of oil by establishing a "permissible average markup" ("PAM") for resellers. Effective

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September 1, 1980, the DOE established a permissible average markup of 20¢ per barrel for a reseller such as the defendant INTERNATIONAL. In the event that a reseller's actual average markup, computed on a monthly basis, exceeded its PAM, the excess profits were illegal.

20. Resellers were required on a monthly basis to submit forms ERA-69 to the DOE setting forth their actual average markup per barrel for crude oil sales. On the ERA-69, resellers were required to set forth the dollar amount of any PAM overcharges in order that the overcharges could be immediately refunded to customers.

21. The defendant INTERNATIONAL was a reseller subject to the 20¢ per barrel PAM and was required to file forms ERA-69 on a monthly basis.

Methods and Means

22. Among the methods and means employed by the defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL and their co-schemers to effectuate the scheme to defraud the IRS, were the following:

The West Texas Marketing "Pot"

(a) Prior to September 1980 and the imposition of the 20¢ per barrel PAM, the defendants MARC RICH and PINCUS GREEN for the defendant INTERNATIONAL would and did transact numerous "daisy chain" crude oil deals with West Texas Marketing ("WTM"), a crude oil reseller in Abilene, Texas.

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In those "daisy chain" deals, WTM would and did purchase from the defendant INTERNATIONAL domestic controlled oil upon WTM's agreement to sell back to the defendant INTERNATIONAL, after passage through a "daisy chain," an equal quantity of stripper oil (uncontrolled) at a substantial discount from the world market price. The defendant INTERNATIONAL then sold that discounted stripper oil to third parties for huge profits. Prior to September 1980, the substantial profits from these transactions were recorded on the books and records of the defendant INTERNATIONAL.

(b) The defendants MARC RICH and PINCUS GREEN agreed with the principals of WTM that beginning in September 1980, when the defendant INTERNATIONAL was limited by law to a 20¢ per barrel PAM, WTM would alter its "daisy chain" transactions with the defendant INTERNATIONAL so that the huge profits of the defendant INTERNATIGNAL from these crude oil transactions would be retained for it by WTM, rather than being reflected on the books and records of the defendant INTERNATIONAL as before. In these post-September 1, 1980 transactions, WTM would and did continue to buy controlled barrels from the defendant INTERNATIONAL at the controlled price and would and did agree to produce for the defendant INTERNATIONAL an equal number of stripper barrels at a price substantially below the market value. However, rather than sell these cheap stripper barrels back to the defendant INTERNATIONAL at the lower price as previously, WTM agreed

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ostensibly to sell the stripper barrels to the defendant INTERNATIONAL, or to third party companies designated by the defendant INTERNATIONAL, at the higher market price. From these deals, WTM purportedly reflected huge profits on its books, which profits were referred to as the "pot."

(c) The defendants MARC RICH and PINCUS GREEN and the principals of WTM further agreed that the huge profits in the "pot" belonged to the defendant INTERNATIONAL and would be retained by WTM in its bank accounts for the defendant INTERNATIONAL.

(d) To further conceal the scheme, the defendants and their co-schemers would and did cause WTM to prepare and mail invoices to the defendant INTERNATIONAL which falsely indicated that WTM had sold the stripper barrels to the defendant INTERNATIONAL at the high world market price, when in truth and in fact the defendant INTERNATIONAL was paying a far lower price upon WTM's agreement secretly to kickback to the defendants the huge profits held by WTM for the defendant INTERNATIONAL in the "pot".

(e) The monies in the "pot" were periodically moved out of the United States at the instance of the defendants MARC RICH and PINCUS GREEN, for the defendant INTERNATIONAL, to foreign bank accounts of the defendant AG and its foreign subsidiaries Rescor and Highams through sham transactions, wherein WTM would

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incur pre-arranged "losses" to the defendant AG and its foreign subsidiaries. For example, in many of these transactions the defendant AG would purportedly sell a cargo of foreign crude oil to WTM, and then WTM would ostensibly sell the same oil back on the same day to Rescor, the defendant AG's subsidiary, for $3 per barrel less than WTM had paid for it. The $3 per barrel more which WTM paid AG, over the amount WTM received from Rescor, came out of the "pot." These transactions were a sham in that they were utilized by the defendants solely to remove monies from the "pot" and move the profits offshore. The defendants paid WTM a small fee per barrel to engage in these sham loss transactions.

(f) On or about April 30, 1981, the defendant MARC RICH and others met in New York, New York with representatives of WTM to discuss the amount remaining in the WTM "pot". The defendant MARC RICH and the principals of WTM agreed on a compromise "pot" amount of $1,215,000.00 and as a result of the meeting, the $1,215,000.00 from the "pot" was moved out of the United States to the defendant AG through a sham foreign loss transaction involving AG's subsidiary Highams.

(g) From in or about October 1980, through May 1981, the defendants moved and caused to be moved in excess of $23 million of the defendant INTERNATIONAL's income offshore to the defendant AG and its foreign subsidiaries from the WTM "pot".

(h) For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendants and their co-schemers would and did transmit, and cause to be transmitted,

telefaxes, and wire transfers of monies from the "pot" sent by WTM from the United States to foreign bank accounts of the defendant AG and its subsidiary Highams resulting from transactions involving oil tankers, as set forth below in Counts 1 through 9 hereinbelow.

The Listo "Pot"

(i) In and around September 1980, the defendants and their co-schemers would and did agree with Listo Petroleum Corporation ("Listo"), a crude oil reseller in Houston, Texas, to a scheme which was essentially a duplicate of the WTM scheme set forth above, in order to conceal additional profits of the defendant INTERNATIONAL from sales of domestic crude oil by retaining the defendant INTERNATIONAL's profits on the books and records of Listo. Just as with the WTM scheme, the defendants and their co-schemers referred to these monies as the "pot." As with the WTM scheme, these hige profits were moved from the books of Listo offshore to foreign bank accounts of defendant AG and its foreign subsidiaries through a series of sham foreign loss transactions wherein Listo would incur pre-arranged "losses" to the defendant AG and its foreign subsidiary Rescor on the purchase and sale of foreign crude oil. Also as with the WTM scheme, these transactions included deals in which Listo would buy crude oil from the defendant AG and then immediately resell the same oil back to Rescor, paying AG $3 more per barrel than Listo received from Rescor. As with the WTM scheme, this sham loss of $3 per barrel was paid out of the "pot".

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(j) In or about August 1980, the defendants MARC RICH and PINCUS GREEN on behalf of the defendant INTERNATIONAL, negotiated with representatives of Atlantic Richfield Company ("Arco") to purchase controlled barrels of a particular type of domestic crude oil known as Alaskan North Slope ("ANS") oil. After a series of negotiations, the defendants MARC RICH and PINCUS GREEN for the defendant INTERNATIONAL agreed to purchase from Arco approximately 18 million ANS controlled barrels to be delivered in 1980 and 1981. The defendants MARC RICH and PINCUS GREEN subsequently informed Arco that Listo, rather than the defendant INTERNATIONAL, would be the contracting party with Arco on the deal. The ANS barrels from the Arco deal comprised the majority of barrels from which "pot" monies were collected for the defendant INTERNATIONAL on the books of Listo.

(k) As with the WTM scheme, the defendant CLYDE MELTZER for Listo agreed to acquire for the defendant INTERNATIONAL stripper ANS barrels at prices far below the world market price. As with the WTM scheme, Listo agreed to sell the stripper ANS barrels to the defendant INTERNATIONAL ostensibly at the higher market price, thereby purportedly reflecting huge profits on Listo's books.

(l) To further conceal the scheme, the defendants and their co-schemers would and did cause Listo to prepare and mail invoices to the defendant INTERNATIONAL which falsely indicated that Listo had sold the stripper barrels at the high world market

price, when in truth and in fact the defendant INTERNATIONAL was paying a far lower price upon Listo's agreement to secretly kick-back to the defendants the huge profits kept by Listo for the defendant INTERNATIONAL in the "pot."

(m) In 1980 and 1981, the defendants moved and caused to be moved in excess of $47 million of the defendant INTERNATIONAL's income offshore to the defendant AG from the Listo "pot".

(n) The defendants MARC RICH and PINCUS GREEN regularly met in New York with the defendant CLYDE MELTZER to discuss the Listo "pot". At these meetings, the defendant CLYDE MELTZER would give the defendants MARC RICH and PINCUS GREEN records accounting for monies currently in the "pot".

(o) For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendants and their co-schemers would and did transmit, and cause to be transmitted, wire transfers of monies from the "pot" sent by Listo from the United States to foreign bank accounts of the defendant AG resulting from transactions involving oil tankers, as set forth in Counts 10 through 20 hereinbelow.

The Charter False Deductions

(p) In and around May 1980, the defendants and their co-schemers entered into a transaction with Charter Crude Oil Company ("Charter") wherein Charter agreed to sell the defendant INTERNATIONAL domestic controlled barrels and the defendant AG agreed to sell Charter's Bahamian subsidiary foreign crude oil at substantial discounts from the world market price. The transaction

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called for the delivery of controlled barrels to the defendant INTERNATIONAL and the delivery of foreign barrels from the defendant AG to Charter's Bahamian subsidiary on a monthly basis from June 1980, through at least December 1980. The vast majority of the controlled barrels delivered by Charter to the defendant INTERNATIONAL were sold by the defendants to WTM in "daisy chain" transactions, and the defendant INTERNATIONAL realized substantial profits.

(q) Subsequently, in or about late summer 1980, the defendants prepared fraudulent invoices in order illegally to transfer much of the defendant INTERNATIONAL's profits from these transactions offshore to the defendant AG. The defendant AG invoiced the defendant INTERNATIONAL for $31,106,273.08, charging the defendant INTERNATIONAL for the difference between the discounted price (the price that the defendant AG had sold the foreign crude oil to Charter's Bahamian subsidiary) and the purported world market price for the crude oil. These false and fraudulent invoices and the subsequent entries on the defendant INTERNATIONAL's books falsely purported that the defendant INTERNATIONAL had purchased the foreign crude oil from the defendant AG at its "fair market value" and subsequently sold the foreign crude oil to Charter's Bahamian subsidiary at a substantial discount, when in truth and in fact the defendant INTERNATIONAL had never purchased the foreign crude oil from the defendant AG or sold it to Charter's subsidiary. The defendant

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MARC RICH instructed the comptroller for the defendant INTERNATIONAL to notify his counterpart at the defendant AG in Zug, Switzerland, to prepare these fraudulent invoices. As a result, the defendant INTERNATIONAL fraudulently reduced the amount of the defendant INTERNATIONAL's taxable income for 1980 by $31,106,273.08 and transferred most of that sum offshore to the defendant AG.

(r) In and around September 1980, in order to make the invoices further appear as if there had been an actual contract between the defendant AG and the defendant INTERNATIONAL, the defendant AG sent the defendant INTERNATIONAL new invoices which read "contract price" rather than "fair market value." The old invoices were destroyed and the new invoices were placed in the defendant INTERNATIONAL's records.

(s) For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendants and their co-schemers would and did transmit, and cause to be transmitted, wire transfers of monies sent by the defendant INTERNATIONAL from the United States to foreign bank accounts of the defendant AG resulting from transactions involving oil tankers, as set forth below in Counts 21 and 22 hereinbelow.

The Arco False Deduction

(t) In or about the Fall of 1980, the defendants and their co-schemers would and did cause a fraudulent invoice to be prepared wherein Rescor invoiced the defendant INTERNATIONAL for $2,716,510.00. This invoice concerned a non-existent contract

between Rescor and the defendant INTERNATIONAL concerning the sale of foreign crude oil to Rescor by the defendant INTERNATIONAL. The fraudulent invoice made it appear that the defendant INTERNATIONAL had a contract with Rescor to sell it foreign crude oil. The fraudulent invoice made it further appear that the defendant INTERNATIONAL had failed to provide the oil under this purported contract and that consequently Rescor had had to purchase a similar quantity of oil from Arco at five dollars per barrel above the purported contract price between Rescor and the defendant INTERNATIONAL. As a result, the defendants fraudulently reduced the amount of the defendant INTERNATIONAL's taxable income for 1980 by $2,716,510.00 and transferred that sum offshore to the defendant AG.

(u) Just as with the fraudulent Charter invoices, the defendant MARC RICH instructed the comptroller of the defendant INTERNATIONAL to notify his counterpart at the defendant AG in Zug, Switzerland to prepare this fraudulent invoice for Rescor to be delivered to the defendant INTERNATIONAL.

(v) For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendants and their co-schemers would and did transmit, and cause to be transmitted, a wire transfer from the defendant INTERNATIONAL to Rescor for a shipment on the oil tanker "Wind Escort," as set forth in Count 23 hereinbelow.

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Jurisdictional Allegations

23. For the purposes of executing the scheme and artifice to defraud the DOE and attempting to do so, on or about the dates set forth below, the defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, and INTERNATIONAL unlawfully, wilfully and knowingly, did transmit and cause to be transmitted by means of wire, radio and television communication, in interstate and foreign commerce, certain telexes, telefaxes and cable and wire transfers of monies, all as more particularly set forth in Counts 1 through 23 herein below:

COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
		WTM "pot"	
1	wire transfer to AG of $12,507,818.40 (including $1,786,831.00 from the pot) by WTM: "Arctic Star"	October 21, 1980	Rich, Green, AG and International
2	wire transfer to AG of $4,050,000.00 by WTM from the "pot": "Norse King"	October 23, 1980	Rich, Green, AG and International
3	wire transfer to AG of $5,384,217.00 by WTM from the "pot": "Olympic Bond"	January 5, 1981	Rich, Green, AG and International
4	wire transfer to AG of $5,000,000.00 by WTM from the "pot": "Nia Rocco Piaggio" and "Okinoshima Maru"	January 30, 1981	Rich, Green, AG and International
5	wire transfer to AG of $1,199,974.00 by WTM from the "pot": "Okinoshima Maru"	February 9, 1981	Rich, Green, AG and International

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COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
6	wire transfer to AG of $5,141,709.00 by WIM from the "pot": "Romo Maersk"	February 23, 1981	Rich, Green, AG and International
7	telefaxes of handwritten notes re WIM pot from International to WIM	February 1, 1981	Rich, Green AG and International
8	telefax of typewritten summary re WIM pot from WIM to International	February 9, 1981	Rich, Green, AG and International
9	telefax of typewritten summary re WIM pot from International to WIM	February 10, 1981	Rich, Green, AG and International
		Listo "Pot"	
10	wire transfer to AG of $32,950,790.78 (including $4,131,620.24 from the pot) by Listo: "Montessa"	December 5, 1980	Rich, Green, Meltzer, AG, and International
11	wire transfer to AG of $4,259,844.00 by Listo from the "pot": " Universe Explorer"	December 15, 1980	Rich, Green, Meltzer, AG, and International
12	wire transfer to AG of $18,605,470.63 (including $2,241,743.45 from the "pot") by Listo: "Alnair II"	December 23, 1980	Rich, Green, Meltzer, AG, and International
13	wire transfer to AG of $19,946,906.84 (including $2,266,694.30 from the "pot") by Listo: "Lamyra"	December 31, 1980	Rich, Green, Meltzer, AG, and International
14	wire transfer to AG of $5,291,409.80 by Listo from the "pot": "Arctic Star"	January 27, 1981	Rich, Green, Meltzer, AG, and International

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COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
15	wire transfer to AG of $3,349,660.34 by Listo from the "pot": "Ionian Commander"	January 30, 1981	Rich, Green, Meltzer, AG, and International
16	wire transfer to AG of $1,873,584.45 by Listo from the "pot": "Jeci"	February 2, 1981	Rich, Green, Meltzer, AG, and International
17	wire transfer to AG of $6,396,202.22 by Listo from the "pot": "Keiyoh Maru"	February 11, 1981	Rich, Green, Meltzer, AG, and International
18	wire transfer to AG of $5,315,478.50 by Listo from the "pot": "White Gardenia"	March 3, 1981	Rich, Green, Meltzer, AG, and International
19	wire transfer to AG of $9,452,307.00 by Listo from the "pot": "Jamunda" and "Norse King"	May 5, 1981	Rich, Green, Meltzer, AG, and International
20	wire transfer to Rescor of $3,000,700.00 by Listo: "Philip of Macedon" and "Okinoshima Maru"	May 14, 1981	Rich, Green, Meltzer, AG, and International
	Charter False Deductions		
21	wire transfer to AG of $29,157,628.90 by International: "Luna Mar", "Devali," "World Scholar" and "Ratna Jayshree"	September 29, 1980	Rich, Green, AG and International
22	wire transfer to AG of $1,659,472.80 by International: "Santamar"	April 7, 1981	Rich, Green, AG and International

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COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
		Arco False Deduction	
23	wire transfer to Rescor of $2,716,510.00 by International: "Wind Escort"	August 27, 1981	Rich, Green, AG and International

(Title 18, United States Code, Sections 1343 and 2.)

COUNTS TWENTY-FOUR THROUGH THIRTY-EIGHT

THE SCHEME TO DEFRAUD THE DEPARTMENT OF ENERGY

The Grand Jury further charges:

24. Each and every allegation contained in Paragraphs 1 through 23, and all of subparts thereof, of Counts One through Twenty-three of this Indictment is realleged and incorporated by reference herein as if fully set forth.

25. From in or about January 1980, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL, the defendants, together with others known and unknown to the Grand Jury ("co-schemers"), unlawfully, wilfully and knowingly would and did devise and intend to devise a scheme and artifice to defraud the United States and an agency thereof, to wit, the Department of Energy, in its lawful governmental function of administering and overseeing the laws and regulations which provided for price controls and markup requirements for the sale of crude oil produced in or imported into the United States, and to obtain money and property by false and fraudulent pretenses, representations and promises.

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Methods and Means

26. It was part of the defendants' scheme and artifice to defraud the DOE that the huge profits of the defendant INTERNATIONAL held on the books of Listo and WTM were derived by the defendants through a deliberate attempt to violate and circumvent the price control and permissible average markup regulations of the DOE, through the methods and means described in Paragraphs 22 and 23, and the subparts thereof, above.

27. Among the additional methods and means employed by the defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL and their co-schemers to carry out the scheme and artifice to defraud the DOE were the following:

(a) The defendants and their co-schemers would and did cause forms ERA-69 for the defendant INTERNATIONAL to be prepared and filed with the DOE for the months September 1980 through January 1981, which forms ERA-69 falsely failed to reflect the approximately $71 million of profits of the defendant INTERNATIONAL kept in the WTM and Listo "pots." Instead, these forms ERA-69 fraudulently stated that the defendant INTERNATIONAL was losing money on its crude oil sales for these months and that its average markup for crude oil sales was within its 20¢ per barrel permissible average markup.

(b) The defendants and their co-schemers would and did cause to be prepared and mailed to the defendant INTERNATIONAL the false and fraudulent invoices from WTM and from Listo described in Paragraphs 22(d) and 22(l) above.

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28. For the purposes of executing the scheme and artifice to defraud the DOE and attempting to do so, on or about the dates set forth below, the defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL unlawfully, wilfully and knowingly, did place and cause to be placed in a post office and authorized depository for mail matter and did cause to be delivered by mail according to the directions thereon certain mail matter to be sent and delivered by the United States Postal Service, all as more particularly set forth in Counts 24 through 38 hereinbelow:

COUNT	MAIL COMMUNICATION	APPROXIMATE DATE OF MAILING	DEFENDANT
24	ERA-69 for September 1980 Sent by Express Mail to DOE	December 1, 1980	Rich, Green, Meltzer, AG and International
25	ERA-69 for November 1980 Sent by Express Mail to DOE	January 30, 1981	Rich, Green, Meltzer, AG and International
26	ERA-69 for December 1980 Sent by Express Mail to DOE	January 27, 1981	Rich, Green, Meltzer, AG and International
27	ERA-69 for January 1981 Sent by Express Mail to DOE	March 31, 1981	Rich, Green, Meltzer, AG and International
28	Invoice No. S9-041 mailed to International by WTM for 69,000 barrels at $2,280,450.00	October 7, 1980	Rich, Green, AG and International
29	Invoice No. S10-068 mailed to International by WTM for 83,700 barrels at $2,787,210.00	November 6, 1980	Rich, Green, AG and International
30	Invoice No. S10-069 mailed to International by WTM for 71,300 barrels at $2,374,290.00	November 6, 1980	Rich, Green, AG and International

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COUNT	MAIL COMMUNICATION	APPROXIMATE DATE OF MAILING	DEFENDANT
31	Invoice No. S11-051 mailed to International by WTM for 150,000 barrels at $4,995,000.00	December 4, 1980	Rich, Green, AG and International
32	Invoice No. 0989 mailed to International by Listo for 313,629 barrels at $9,879,313.50: "Sinclair Texas"	January 7, 1981	Rich, Green, Meltzer, AG and International
33	Invoice No. 1126 mailed to International by Listo for 261,486.49 barrels at $10,036,575.96: "Sinclair Texas"	January 21, 1981	Rich, Green, Meltzer, AG and International
34	Invoice No. 1138 mailed to International by Listo for 405,544.61 barrels at $15,714,853.64: "Prudhoe Bay"	January 26, 1981	Rich, Green, Meltzer, AG and International
35	Invoice No. 1139 mailed to International by Listo for 458,532 barrels at $15,360,822.00: "Overseas New York"	January 26, 1981	Rich, Green, Meltzer, AG and International
36	Invoice No. 1140 mailed to International by Listo for 53,844.39 barrels at $2,086,470.11: "Sinclair Texas"	January 26, 1981	Rich, Green, Meltzer, AG and International
37	Invoice No. 1271 mailed to International by Listo for 292,809 barrels at $10,043,348.70: "Arco Heritage"	February 24, 1981	Rich, Green, Meltzer, AG and International
38	Invoice No. 1267 mailed to International by Listo for 332,390.25 barrels at $11,068,595.33: "Arco Heritage	February 24, 1981	Rich, Green, Meltzer, AG and International

(Title 18, United States Code, Sections 1341 and 2.)

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COUNT THIRTY-NINE

RACKETEERING

The Grand Jury further charges:

29. Each and every allegation contained in Paragraphs 1 through 28, and all subparts thereof, of Counts One through Thirty-eight of this Indictment is realleged and incorporated by reference and the subparts thereof as if fully set forth.

30. From on and about January 1, 1980, up to and including the date of filing of this Indictment, in the Southern District of New York and elsewhere, MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL, the defendants, being individuals and entities employed by and associated with an enterprise, as defined in 18 U.S.C. § 1961(4), engaged in and the activities of which affect interstate and foreign commerce, to wit, AG and its wholly-owned subsidiaries, the defendant INTERNATIONAL, Rescor and Highams, together with others known and unknown to the Grand Jury ("co-racketeers"), unlawfully, wilfully and knowingly, did conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in 18 U.S.C. § 1961(5), consisting of the acts of racketeering including wire fraud, indictable under Title 18, United States Code, Section 1343, as set forth in Paragraphs 1 through 23 and all subparts thereof, of Counts One through Twenty-three of this

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Indictment, and mail fraud, indictable under Title 18, United States Code, Section 1341, as set forth in Paragraphs 24 through 28 of Counts Twenty-four through Thirty-eight, all in violation of Title 18, United States Code, Section 1962(c).

31. The defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, INTERNATIONAL together with their co-racketeers conducted the enterprise through a pattern of racketeering activity wherein the defendants and others concealed in excess of $100 million in taxable income of the defendant INTERNATIONAL by diverting it, through a series of sham transactions, offshore to the defendant AG. Most of this $100 million in taxable income was illegally generated through the defendants' violations of federal energy laws and regulations. The enterprise has been used by the defendants to enable the defendant INTERNATIONAL to evade in excess of $48 million in United States taxes for the 1980 and 1981 tax years.

The Pattern of Racketeering

32. It was a part of the pattern of racketeering activity that from on or about January 1, 1980, up to and including the date of the filing of this Indictment, MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, and INTERNATIONAL, the defendants, together and with their co-racketeers, unlawfully, wilfully and knowingly, would and did devise and intend to devise schemes and artifices to defraud the United States, and agencies thereof, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, to wit:

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(i) the Internal Revenue Service ("IRS") in its lawful governmental function of administering and overseeing the collection of taxes in the United States; and

(ii) the Department of Energy ("DOE") in its lawful governmental function of administering and overseeing the laws and regulations which provided for price controls and limited markups on the sale of crude oil produced in or imported into the United States.

33. It was part of the pattern of racketeering activity that MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL, the defendants, together and with their co-racketeers, unlawfully, wilfully, and knowingly:

(i) in executing the scheme to defraud the Internal Revenue Service, and attempting to do so, would and did commit the 24 acts of racketeering set forth below, and also set forth in detail in Paragraphs 1 through 23 of Counts One through Twenty-three; and

(ii) in executing the scheme to defraud the Department of Energy, and attempting to do, would and did commit the 15 acts of racketeering set forth below, and also set forth in detail in Paragraphs 24 through 28 of Counts Twenty-four through Thirty-eight .

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I. THE SCHEME TO DEFRAUD THE IRS

	RACKETEERING ACT	APPROXIMATE DATE	VIOLATION	DEFENDANTS
		WIM "Pot"		
(1)	wire transfer to AG of $12,507,818.40 (including $1,786,831.00 from the "pot") by WIM: "Arctic Star"	October 21, 1980	18 USC §§ 1343 and 2	Rich, Green, AG and International
(2)	wire transfer to AG of $4,050,000.00 by WIM from the "pot": "Norse King"	October 23, 1980	18 USC §§ 1343 and 2	Rich, Green, AG and International
(3)	wire transfer to AG of $5,384,217.00 by WIM from the "pot": "Olympic Bond"	January 5, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(4)	wire transfer to AG of $5,000,000.00 by WIM from the "pot": "Nia Rocco Piaggio" and "Okinoshima Maru"	January 30, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(5)	wire transfer to AG of $1,199,974.00 by WIM from the "pot": "Okinoshima Maru"	February 9, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(6)	wire transfer to AG of $5,141,709.00 by WIM from the "pot": "Romo Maersk"	February 23, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(7)	wire transfer to Highams of $1,215,000.00 by WIM from the "pot": "Philip of Macedon"	May 4, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(8)	telefaxes of handwritten notes re WIM pot from International to WIM	February 1, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
(9)	telefax of typewritten summary re WIM pot from WIM to International	February 9, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International

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RACKETEERING ACT	APPROXIMATE DATE	VIOLATION	DEFENDANTS
(10) telefax of typewritten summary re WIM pot from International to WIM	February 10, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
	Listo "Pot"		
(11) wire transfer to AG of $32,950,790.78 (including $4,131,620.24 from the "pot") by Listo: "Montessa"	December 5, 1980	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(12) wire transfer to AG of $4,259,844.00 by Listo from the "pot": "Universe Explorer"	December 15, 1980	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(13) wire transfer to AG of $18,605,470.63 (including $2,241,743.45 from the "pot") by Listo: "Alnair II"	December 23, 1980	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(14) wire transfer to AG of $19,946,909.84 (including $2,266,694.30 from the "pot") by Listo: "Lamyra"	December 31, 1980	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(15) wire transfer to AG of $5,291,409.82 by Listo from the "pot": "Arctic Star"	January 27, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(16) wire transfer to AG of $3,349,660.34 by Listo from the "pot": "Ionian Commander"	January 30, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(17) wire transfer to AG of $1,873,584.45 by Listo from the "pot": "Jeci"	February 2, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(18) wire transfer to AG of $6,396,201.22 by Listo from the "pot": "Keiyoh Maru"	February 11, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International

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RACKETEERING ACT	APPROXIMATE DATE	VIOLATION	DEFENDANTS
(19) wire transfer to AG of $5,315,478.50 by Listo from the "pot": "White Gardenia"	March 3, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(20) wire transfer to AG of $9,452,307.00 by Listo from the "pot": "Jamanda" and "Norse King"	May 5, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
(21) wire transfer to Rescor of $3,000,000.00 by Listo from the "pot": "Philip of Macedon" and "Okinoshima Maru"	May 14, 1981	18 USC §§ 1343 and 2	Rich, Green, Meltzer, AG and International
	Charter False Deductions		
(22) wire transfer to AG of $29,157,628.90 by International: "Luna Mar", "Devali," "World Scholar" and "Ratna Jayshree"	September 29, 1980	18 USC §§ 1343 and 2	Rich, Green, AG and International
(23) wire transfer to AG of $1,659,472.80 by International: "Santamar"	April 7, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
	Arco False Deduction		
(24) wire transfer to Rescor of $2,716,510.00 by International: "Wind Escort"	August 27, 1981	18 USC §§ 1343 and 2	Rich, Green, AG and International
	II. THE SCHEME TO DEFRAUD THE DOE		
(25) ERA-69 for September 1980 Sent by Express Mail to DOE	December 1, 1980	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(26) ERA-69 for November 1980 Sent by Express Mail to DOE	January 30, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(27) ERA-69 for December 1980 Sent by Express Mail to DOE	January 27, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International

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	RACKETEERING ACT	APPROXIMATE DATE	VIOLATION	DEFENDANTS
(28)	ERA-69 for January 1981 Sent by Express Mail to DOE	March 31, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(29)	Invoice No. S9-041 mailed to International by WIM for 69,000 barells at $2,280,450.00	October 7, 1980	18 USC §§ 1341 and 2	Rich, Green, AG and International
(30)	Invoice No. S10-068 mailed to International by WIM for 83,700 barrels at $2,787,210.00	November 6, 1980	18 USC §§ 1341 and 2	Rich, Green, AG and International
(31)	Invoice No. S10-069 mailed to International by WIM for 71,300 barrels at $2,374,290.00	November 6, 1980	18 USC §§ 1341 and 2	Rich, Green, AG and International
(32)	Invoice No. S11-051 mailed to International by WIM for 150,000 barrels at $4,995,000.00	December 4, 1980	18 USC §§ 1341 and 2	Rich, Green, AG and International
(33)	Invoice No. 0989 mailed to International by Listo for 313,629 barrels at $9,879,313.50: "Sinclair Texas"	January 7, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(34)	Invoice No. 1126 mailed to International by Listo for 261,486.49 barrels at $10,036,575.96: "Sinclair Texas"	January 21, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(35)	Invoice No. 1138 mailed to International by Listo for 405,544.61 barrels at $15,714,853.64: "Prudhoe Bay"	January 26, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(36)	Invoice No. 1139 mailed to International by Listo for 458,532 barrels at $15,360,822.00: "Overseas New York"	January 26, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International

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RACKETEERING ACT	APPROXIMATE DATE	VIOLATION	DEFENDANTS
(37) Invoice No. 1140 mailed to International by Listo for 53,844.39 barrels at $2,086,470.11: "Sinclair Texas"	January 26, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(38) Invoice No. 1271 mailed to International by Listo for 292,809 barrels at $10,043,348.70: "Arco Heritage"	February 24, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International
(39) Invoice No. 1267 mailed to International by Listo for 332,390.25 barrels at $11,068,595.33: "Arco Heritage"	February 24, 1981	18 USC §§ 1341 and 2	Rich, Green, Meltzer, AG and International

(Title 18, United States Code, Sections 1962(c) and 2.)

COUNT FORTY

THE RACKETEERING CONSPIRACY

The Grand Jury further charges:

34. Each and every allegation contained in Paragraphs 1 through 33, and all subparts thereof, of Counts One through Thirty-nine of this Indictment is realleged and incorporated by reference herein as if fully set forth.

35. From on or about January 1, 1980, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, and INTERNATIONAL, the defendants, being individuals and entities employed by and associated with an enterprise engaged in, and the activities of which affect, interstate and foreign commerce, to wit, AG and its wholly-owned subsidiaries, the defendant INTERNATIONAL, Rescor and Highams,

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together with their co-racketeers, unlawfully, wilfully and knowingly, did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, a violation of Title 18, United States Code, Section 1962, that is, to conduct and participate, directly and indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity as defined in Title 18, United States Code, Section 1961(5).

36. The objects of the racketeering conspiracy were that the defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG and INTERNATIONAL, together and with their co-racketeers, would and did commit and agree to commit the acts of racketeering, including wire fraud, indictable under Title 18, United States Code, Section 1343, as charged in Paragraphs 1 and 23 of Counts One through Twenty-three, and in Count Thirty-nine, and mail fraud, indictable under Title 18, United States Code, Section 1341, as charged in Paragraphs 24 through 28 of Counts Twenty-four through Thirty-eight, and in Count Thirty-nine, all in violation of Title 18, United States Code, Section 1962(c).

(Title 18, United States Code, Section 1962(d).)

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FORFEITURES

37. Each and every allegation contained in Paragraphs 1 through 36 of Counts One through Forty of this Indictment is hereby realleged and incorporated by reference herein as if fully set forth for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 1963(a)(1) and 1963(a)(2).

38. The defendants MARC RICH, PINCUS GREEN, CLYDE MELTZER, AG, and INTERNATIONAL, now known as "Clarendon Ltd.", have acquired and maintained interests from violations of Title 18, United States Code, Section 1962, and have interests in, securities of, claims against and property and contractual rights affording each defendant a source of influence over the enterprise, which enterprise each defendant established, operated, controlled, conducted and participated, directly and indirectly, in the conduct of through a pattern of racketeering, and conspired to do so, in violation of Title 18, United States Code, Section 1962(c) and (d), thereby making all such interests, securities of, claims against, property and contractual rights, wherever located, in whatever names held, subject to forfeiture to the United States as of the date they were acquired, maintained and utilized.

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39. The interests of the defendants MARC RICH, PINCUS GREEN and CLYDE MELTZER, subject to forfeiture to the United States, include any interests and proceeds therefrom each defendant has acquired and maintained from violations of Title 18, United States Code, Section 1962, including but not limited to:

(a) dividends, salaries, bonuses, and pension benefits paid by any of the corporate entities comprising or associated with the enterprise; and

(b) any interests purchased or obtained with the monies set forth in subparagraph (a) above including, but not limited to personalty, real estate, and investments, wherever located and in whatever names;

and any interests in, securities of, claims against, property, contractual rights and rights of any kind affording a source of influence over the enterprise, including but not limited to all stock, securities, notes, rights, warrants, and options, wherever located and in whatever names, and all offices and titles, in any of the corporate entities comprising or associated with the enterprise.

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40. The interests of the defendant AG subject to forfeiture to the United States include any interests and proceeds therefrom that the defendant AG has acquired and maintained from violations of Title 18, United States Code, Section 1962, including but not limited to:

(a) all monies received and specified in this Indictment, including monies paid to Rescor, Inc. and Highams Consultants, AG's wholly-owned subsidiaries, and

(b) all assets, interests and investments, including loans and receivables, wherever located and in whatever names, purchased or obtained with the monies set forth in subparagraph (a) above and profits derived therefrom, including in excess of $37 million owed to the defendant AG by Guam Oil and Refining Company and the interests of Richco Holdings, B.V. in TCF Holdings, Inc.;

and any interests in, securities of, claims against, property, contractual rights and rights of any kind affording a source of influence over the enterprise, including but not limited to:

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(a) all stock, securities, notes, rights, warrants and options, wherever located and in whatever names, in the defendant INTERNATIONAL, Rescor, Inc. and Highams Consultants and any and all of their subsidiaries, including but not limited to Century Chartering Co., Inc.;

(b) all assets, wherever located and in whatever name, of the entities set forth in subparagraph (a) above, including but not limited to:

1. bank accounts
2. accounts receivables
3. securities, stock, notes, rights, warrants and options
4. contracts
5. leaseholds, including the leasehold at 650 Fifth Avenue, New York, New York
6. inventory
7. office equipment, furnishings and fixtures

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8. interests in realty and minerals, including oil and gas properties described in a Mortgage, Security Agreement, Financing Statement and Assignment dated August 4, 1983, by Clarendon Ltd. and Century Chartering Co., Inc. to and in favor of the United States of America.

9. Proceeds of any purported sale of any interest in the defendant INTERNATIONAL, including proceeds of a purported sale of the defendant INTERNATIONAL to Alexander Hackel and others on June 30, 1983.

41. The interests of the defendant INTERNATIONAL subject to forfeiture to the United States include any interests and proceeds therefrom that the defendant INTERNATIONAL has acquired and maintained from violations of Title 18, United States Code, Section 1962, including but not limited to

(a) all monies received and specified in this Indictment; and

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(b) all assets, interests and investments, including loans and receivables, wherever located and in whatever names, purchased or obtained with the monies set forth in subparagraph (a) above and profits derived therefrom or purchased or obtained with monies that were due and owing to the United States of America as a consequence of the violations of law set forth in this Indictment;

and any interests in, securities of, claims against, property, contractual rights and rights of any kind affording a source of influence over the enterprise, including but not limited to, all stock, securities, notes, rights, warrants and options, wherever located, in whatever names, in all subsidiaries, including but not limited to Century Chartering Co., Inc.

(Title 18, United States Code, Section 1963.)

THE INCOME TAX EVASION COUNTS

COUNT FORTY-ONE

Tax Evasion for 1980

The Grand Jury further charges:

42. Each and every allegation contained in Paragraphs 1 through 41, and all subparts thereof, of Counts One through

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Forty of this Indictment is realleged and incorporated by reference herein as if fully set forth.

43. On or about September 17, 1981, in the Southern District of New York, MARC RICH, PINCUS GREEN, CLYDE MELTZER, and INTERNATIONAL, the defendants, together with AG, not named as a defendant in this count, unlawfully, wilfully and knowingly did attempt to evade and defeat a large part of the income tax due and owing by the defendant INTERNATIONAL to the United States of America for the calendar year 1980, by preparing and causing to be prepared and by filing and causing to be filed a false and fraudulent income tax return for the defendant INTERNATIONAL, which return stated that the taxable income for said calendar year was $1,091,431.00 and that the amount of income tax due and owing thereon was $413,374.00, whereas, as the defendants then and there well knew, the true taxable income of, and the true income tax due and owing by the defendant INTERNATIONAL to the United States for said calendar year were substantially in excess of the amounts reported on said return, to wit, the defendant INTERNATIONAL's true taxable income for said calendar year was at least $53,650,947.07, upon which there was due and owing to the United States an income tax of approximately $24,590,751.65.

(Title 26, United States Code, Sections 7201 and 2.)

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COUNT FORTY-TWO

Tax Evasion for 1981

The Grand Jury further charges:

44. Each and every allegation contained in Paragraphs 1 through 43, and all subparts thereof, of Counts One through Forty-one of this Indictment is realleged and incorporated by reference herein as if fully set forth.

45. On or about September 22, 1982, in the Southern District of New York, MARC RICH, PINCUS GREEN, CLYDE MELTZER, and INTERNATIONAL, the defendants, together with AG, not named as a defendant in this count, unlawfully, wilfully and knowingly did attempt to evade and defeat a large part of the income tax due and owing by the defendant INTERNATIONAL to the United States of America for the calendar year 1981, by preparing and causing to be prepared and by filing and causing to be filed a false and fraudulent income tax return for the defendant INTERNATIONAL, which return stated that the taxable income for said calendar year was $2,424,172.00 and that the amount of income tax due and owing thereon was $235,525.00, whereas, as the defendants then and there well knew, the true taxable income, and the true income tax due and owing, by the defendant INTERNATIONAL to the United States for said calendar year were substantially in excess of the amounts reported on said return, to wit, the defendant INTERNATIONAL's true taxable income for said calendar year was at least $55,043,714.33, upon which there was due and owing to the United States an income tax of approximately $24,440,514.59.

(Title 26, United States Code, Section 7201 and 2.)

MJA:mj
MC-0013/1B

COUNTS FORTY-THREE THROUGH FIFTY-SEVEN

THE SCHEME TO DEFRAUD THE DEPARTMENT OF TREASURY RE: IRANIAN DEALS

The Grand Jury further charges:

46. Each and every allegation contained in Paragraphs 1 through 45, and all subparts thereof, of Counts One through Forty-two of this Indictment is realleged and incorporated by reference herein as if fully set forth.

47. From in or about January 1980, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, MARC RICH and PINCUS GREEN, the defendants, unlawfully, wilfully and knowingly would and did devise and intend to devise a scheme and artifice to defraud the United States and agencies thereof, to wit, the Department of Treasury and its Office of Foreign Assets Control, in their lawful governmental function of administering and overseeing the laws and regulations which prohibited commercial transactions and credit transactions involving Iran during the American hostage crisis, and to obtain money and property by false and fraudulent pretenses, representations and promises.

Statutory Background

48. On November 4, 1979, Iranian nationals invaded the U.S. Embassy in Teheran, Iran. Thereafter, 53 American citizens were held hostage for over 14 months until their release on January 19, 1981.

MJA:mj
MC-0013/1B

49. In response to the seizure of American hostages:

(a) On November 14, 1979, President Carter, under the International Economic Emergency Powers Act of 1977, issued Executive Order # 12170 to block and freeze all property and interests in property of the Government of Iran and any of its instrumentalities and controlled entities, including the National Iranian Oil Company ("NIOC"), which were or became subject to the jurisdiction of the United States or which were or came within the possession or control of persons subject to the United States.

(b) On November 15, 1979, the Department of Treasury through its Office of Foreign Assets Control issued regulations to implement President Carter's Executive Order # 12170. The effect of the regulations was that various transactions with Iran and its controlled entities were prohibited in the absence of a license from the Department of Treasury.

(c) On April 7, 1980, President Carter issued Executive Order # 12205 under the International Emergency Economic Powers Act which imposed a trade embargo on Iran. On April 9, 1980, the Department of Treasury through its Office of Foreign Assets Control issued regulations to implement President Carter's Executive Order # 12205.

(d) On April 17, 1980, President Carter issued Executive Order # 12211 to expand the provisions of Executive

Orders # 12170 and # 12205 by prohibiting the payment or transfer of any funds from the United States to any Iranian person as well as the Government of Iran or any of its controlled entities, such as NIOC, as had been previously prohibited without license by Executive Order # 12170. On April 21, 1980, the Department of Treasury through its Office of Foreign Assets Control issued regulations which implemented President Carter's Executive Order # 12211.

(e) The various regulations required every individu and entity engaging in any transaction subject to the prohibitions to keep records to be available for examination by the Office of Foreign Assets Control.

50. During the hostage crisis and while the foregoing regulations were in effect:

(a) AG entered into contracts with the National Iranian Oil Company ("NIOC") to purchase Iranian crude and fuel oil, including contract # 244 on April 30, 1980, for the purchase of crude and fuel oil from May 1, 1980, through September 30, 1980. The terms of the contracts gave AG sixty days after the date of delivery to make payment to NIOC in American dollars through letters of credit posted by AG in favor of NIOC.

MJA:mj
MC-0013/1B

(b) Beginning on or about May 1, 1980, prior to the delivery of this Iranian crude oil and fuel oil under the contracts AG had with NIOC, the defendants MARC RICH and PINCUS GREEN -- both United States citizens -- negotiated from the offices of International in New York, New York, with the principal of Transworld Oil, Bermuda, the sale of approximately 6,250,000 barrels of Iranian crude oil and fuel oil for approximately $202,806,291.00. The defendants MARC RICH and PINCUS GREEN would and did cause payment to be ultimately effected to NIOC with American dollars by using commercial credit arrangements involving United States banks and United States branch offices of foreign banks located in New York, New York, all in violation of the various Executive Orders of President Carter and the underlying regulations. These payment arrangements for the Iranian oil, which were effected through banks located in New York, New York, were consummated by "back to back" letters of credit wherein Transworld Oil would make payment to AG in United States dollars, normally within thirty days of delivery and AG would then in turn make payment to NIOC in United States dollars within sixty days of delivery.

(c) To further the scheme, the defendants MARC RICH and PINCUS GREEN did not disclose to these banks in the United States -- which were also prohibited from knowingly transferring any funds to Iran -- that the ultimate beneficiary of the United States dollars was NIOC.

MJA:mj
MC-0013/1B

(d) To further the scheme, in or about July 1980, the defendants MARC RICH and PINCUS GREEN devised a secret code for interoffice cable communications when referring to the illegal Iranian transactions, in order to disguise the participation of NIOC. Telexes containing this secret code were maintained in the New York records of International which, pursuant to the regulations, were subject to examination by the Department of Treasury's Office of Foreign Assets Control.

51. For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendants MARC RICH and PINCUS GREEN unlawfully, wilfully and knowingly, did transmit and cause to be transmitted by means of wire, radio and television communication, in interstate and foreign commerce, certain telexes and wire and cable tranfers of monies, all as more particularly as set forth in Counts 43 through 57 herein below:

COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
43	wire transfer of $8,239,385.90 from New York to Zurich, Switzerland	July 7, 1980	Rich and Green
44	wire transfer of $56,187,197.00 from New York to Zurich, Switzerland	July 7, 1980	Rich and Green
45	wire transfer of $56,356,234.00 from New York to Paris, France	July 14, 1980	Rich and Green
46	wire transfer of $8,408,685.00 from New York to Paris, France	July 17, 1980	Rich and Green
47	wire transfer of $7,745,130.00 from New York to Paris, France	July 31, 1980	Rich and Green
48	wire transfer of $4,671,022.50 from New York to Paris, France	September 2, 1980	Rich and Green

MJA:mj
MC-0013/1B

COUNT	WIRE COMMUNICATION	APPROXIMATE DATE OF WIRE COMMUNICATION	DEFENDANT
49	wire transfer of $4,844,487.50 from New York to Paris, France	September 11, 1980	Rich and Green
50	wire transfer of $56,463,649.00 from New York to Paris, France	September 30, 1980	Rich and Green
51	Telex #NYC 143 from Pincus Green in New York to AG (London) and AG (Zug)	May 1, 1980	Rich and Green
52	Telex #NYC 171 from Marc Rich in New York to AG (London) and AG (Zug)	May 7, 1980	Rich and Green
53	Telex #NYC 138 from Pincus Green in New York to AG (London)	May 7, 1980	Rich and Green
54	Telex # NYC 139 from Pincus Green in New York to AG (London) and AG (Zug)	May 7, 1980	Rich and Green
55	Telex #NYC 174 from Marc Rich in New York to AG (London)	May 8, 1980	Rich and Green
56	Telex #NYC 042 from Marc Rich in New York to AG (London) and AG (Zug)	May 12, 1980	Rich and Green
57	Telex #NYC 146 from Pincus Green in New York to AG (London)	August 14, 1980	Rich and Green

(Title 18, United States Code, Sections 1343 and 2.)

TRADING WITH IRAN COUNTS

COUNTS FIFTY-EIGHT THROUGH SIXTY-FIVE

52. Each and every allegation contained in Paragraphs 1 through 51, and all subparts thereof, of Counts One through Fifty-seven of this Indictment is realleged and incorporated by reference as if fully set forth herein.

MJA:mj
MC-0013/1B

53. During a period from in or about April 1980, up to and including January 19, 1981, in the Southern District of New York and elsewhere, at the time when United States citizens were being held hostage in Iran, MARC RICH and PINCUS GREEN, the defendants, who were United States citizens subject to the jurisdiction of the United States, unlawfully, wilfully and knowingly, in transactions involving Iran, an Iranian governmental entity, and an enterprise controlled by Iran and an Iranian governmental entity, did make and cause to be made payments, transfers of credit, and other transfers of funds and other property and interests to persons in Iran, to wit, the defendants MARC RICH and PINCUS GREEN caused United States dollars from banks located in the United States to be transferred to the National Iranian Oil Company ("NIOC") to pay for crude oil and fuel oil which AG had purchased directly from NIOC and which the defendants MARC RICH and PINCUS GREEN had pre-sold from the offices of International in the United States to third-party companies as more specifically set forth below:

Count	Quantity of Iranian Crude Oil or Fuel Oil Purchased and Sold	Third Party Purchaser	Description of Payment to NIOC	Date of Payment to NIOC
58	53,129 metric tons of fuel oil	TransWorld Oil	US $8,233,544.40 by Letter of Credit issued in favor of NIOC by Union Bank of Switzerland (UBS), Switzerland, covered through a bank in New York, New York to Bank Markazi, Iran acct. at UBS, Switzerland	July 7, 19

MJA:mj
MC-0013/1B

Count	Quantity of Iranian Crude Oil or Fuel Oil Purchased and Sold	Third Party Purchaser	Description of Payment to NIOC	Date of Payment to NIOC
59	1,531,658 barrels of crude oil and 5990 metric tons of fuel oil	TransWorld Oil	US $56,186,536.00 by Letter of Credit issued in favor of NIOC by UBS, Switzerland, covered through a bank in New York, New York to Zurich, Switzerland to Bank Markazi, Iran Acct. at Midland Bank, London, England	July 7, 1980
60	1,568,430 barrels of crude oil and 3158 metric tons of fuel oil	TransWorld Oil	U.S. $56,356,234.00 by Letter of Credit issued by Banque de Paris et des Pays-Bas, Paris, covered through a bank in New York, New York to Banque de Paris et des Pays-Bas, Paris, France to Bank Markazi, Iran account at Midland Bank, London, England	July 14, 1980
61	370,418 barrels of fuel oil	TransWorld Oil	US $8,334.40500 by Letter of Credit issued in favor of NIOC by UBS, Switzerland, covered through a bank in New York, New York, to Societe Generale, Paris, France, to UBS, Zug, Switzerland to Bank Markazi, Iran account at Midland Bank, London, England	July 17, 1980

MJA:mj
MC-0013/1B

Count	Quantity of Iranian Crude Oil or Fuel Oil Purchased and Sold	Third Party Purchaser	Description of Payment to NIOC	Date of Payment to NIOC
65	1,607,887 barrels of crude oil	TransWorld Oil	US $56,463,649.20 by Letter of Credit issued in favor of NIOC by Societe General, France, covered through a bank in New York, New York, to Bank Markazi, Iran Acct. at Banque Nationale de Paris, Paris, France	September 30

(31 CFR §§ 535.206(a)(4), 535.208, 535.701; Title 50, United States Code, Section 1705; and Title 18, United States Code, Section 2.)

GRAND JURY FOREPERSON

Rudolph W. Giuliani
RUDOLPH W. GIULIANI
United States Attorney

Letters Addressed to the Honorable President William J. Clinton Expressing Support for the Pardon of Mr. Marc Rich

Letters Addressed to the Honorable President William J. Clinton
Expressing Support for the Pardon of Mr. Marc Rich

Denise Rich	Former Spouse of Mr. Marc Rich
Ilona Rich & Danielle Rich	Daughters of Mr. Marc Rich New York
Prof. Shlomo Ben-Ami	Minister of Foreign Affairs & Minister of Public Security Former Israeli Ambassador to Spain
Prof. Itamar Rabinovich	President Tel Aviv University Former Israeli Ambassador to the United States of America
Prof. Yaakov Neeman	Former Minister of Justice Former Minister of Finance
Ehud Olmert	Mayor of Jerusalem Former Minister of Health
Abraham Foxman	National Director of the Anti-Defamation League USA
Michael Steinhardt	Chairman and CEO Steinhardt Associates & Co. New York
Shabtai Shavit	CEO Maccabi Healthcare Services (HMO) Former Director of the Mossad
Camilio Jose Cela	Author (Marquis de Ina Flavia) *Nobel Prize Laureate*
Rabbi Irving Greenberg	Chairman of the Board United States Holocaust Memorial Council Wasington DC
Marlene E. Post	Immediate Past International President, Hadassa Chairperson, Birthright Israel, North America

Letters Addressed to the Honorable President William J. Clinton
Expressing Support for the Pardon of Mr. Marc Rich

Rabbi Shlomo Riskin	Chief Rabbi of Efrat Chancellor & Dean, Ohr Torah Stone
Chief Rabbi Rene-Samuel Sirat	Chief Rabbi of France Vice President of the Conference of European Rabbis
Isaac Querub Caro	President Jewish Community of Madrid
Josef Estermann	Mayor City of Zurich, Switzerland
Fernando Fernandez-Tapias	President Association of Spanish Business Enterprises
Ernst Beyeler	Founder & President of the Beyeler Foundation
Kurt Bollinger	President Karl Popper Stiftung Foundation Swiss Air Rescue Organization
Pierre de Weck	Member of the Group Executive Board UBS A.G. Switzerland
Prof. Verena Meyer	Prof. of Physics and Director Zurich University President of the Swiss Science Council Switzerland

DENISE RICH
[redacted]
NEW YORK, NEW YORK 10022

December 6, 2000

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

Dear Mr. President:

I am writing as a friend and an admirer of yours to add my voice to the chorus of those who urge you to grant my former husband, Marc Rich, a pardon for the offenses unjustly alleged and so aggressively pursued in the 1983 indictment by U.S. Attorney for the Southern District of New York Rudolph Giuliani.

I support his application with all my heart. The pain and suffering caused by that unjust indictment battered more than my husband -- it struck his daughters and me. We have lived with it for so many years. We live with it now. There is no reason why it should have gone on so long. Exile for seventeen years is enough. So much of what has been said about Marc as a result of the indictment and exile is just plain wrong, yet it has continued to damage Marc and his family.

Because of the indictment, I have seen what happens when charges are falsely -- even if just incorrectly -- made against those closest to you, and what it feels like to see the press try and convict the accused without regard for the truth. I know the immense frustration that comes when the prosecutors will not discuss their charges, and when no one will look at the facts in a fair way. My husband and I could not return to the United Sates because, while the charges were untrue, no one would listen -- all the prosecutors appeared to think about was the prospect of imprisoning Marc for the rest of his life. With a life sentence at stake, and press and media fueled by the U.S. Attorney, we felt he had no choice but to remain out of the country.

Let no one think exile for life is a light burden. The world we cared about was cut off from us. When our daughter was dying from leukemia, Marc was cruelly denied the opportunity to see her by the prosecutors.

What was this exile for? The charges all relate to old energy regulations, where all of the other people and companies involved in the same kinds of transactions were never charged with a crime. Only my husband was treated differently. He was wrongly charged with "trading with the enemy" and being a "racketeer." With the prosecution talking to the press, no wonder it was

so hard to get anyone to think that Marc was not a criminal. I can tell you, he did not get the benefit of the doubt. His innocence was never presumed. There has been nothing quite like this case -- it is unique.

I saw many of his efforts to seek a resolution. I saw effort after effort fail. There should never be prosecutors who refuse to discuss the truth of their charges.

The pardon application is the last resort. It is also appropriate, as Marc has made the lives of countless others better. I know his contributions because I worked with him on the Rich Foundation. I know that he has a good and giving heart and has helped thousands of people who never heard of him. He wanted it that way. His dedication to charitable causes and his generosity are models. We should not cut ourselves off from someone whose contributions to those in need are a credit to humanity.

You have the power in this matter not just to show mercy, but to do justice. I believe with all my heart that this is the right thing to do.

Respectfully,

Denise Rich

Denise Rich

3065

ILONA RICH
DANIELLE RICH
[redacted]
NEW YORK, NEW YORK 10014

December 8, 2000

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

Dear Mr. President:

I am writing on behalf of my sister, Danielle, and myself. We cannot thank you enough for the moral support and inspiration you have given our family which has encouraged us to write you.

As you heard, our sister Gabrielle truly was an extraordinary person. We watched her fight for her life to the last moment. She wanted very much to live.

And she wanted very much, probably only second to living, to see our father relieved of the agony of the "case," as we call it. Were she here today, we could not have stopped her from seeking you out in person to ask for help in pardoning our father. She loved him, stood by him and would be in the vanguard of the effort to obtain a pardon for him if she could. Like us, she suffered from the fact that for many years our family could not live in this country, and from the fear that our father would not be safe, or would be taken from us.

We know our mother is writing to you too, but we also wanted to tell you we know our father is a good man who has suffered too long. Please allow him to maximize his remaining life and his ability to do good. Please pardon him.

Very respectfully yours,

Ilona Rich



MINISTER OF FOREIGN AFFAIRS שר החוץ

Jerusalem, 26 November, 2000

Dear Mr. President,

I was informed that Marc Rich is seeking presidential clemency as the only solution to extricate from a legal impasse in which his case has been lingering for the past 18 years.

Although I am not acquainted with the legal intricacies of his case, I do have concrete knowledge of Mare Rich's philanthropic activities in Spain, Israel and Diaspora communities and in fostering humanitarian projects as well as the cause of peace in the Middle East and elsewhere. His foundation was among the first private entities to support the Oslo Accords by sponsoring education and health programs in Gaza and the West Bank in cooperation with the Palestinian Authority. Many of the projects of people to people between Israelis and Palestinians would not have been possible without Marc Rich's generous involvement.

I have come to know personally Marc Rich since I was Ambassador in Spain and I found him to be an excellent private citizen. Indeed, he was considered as such by the highest levels in Spanish Society.

The circumstances have made his suffering cruel at times. He was not permitted to visit his daughter Gabrielle when she was dying of leukemia, or assist her funeral nor that of his father who died while in exile. His daughters and grandchildren are far from him in New York, which only adds to this cruel situation.

I would like to add my voice in support for any solution that can solve this Kafkaesque situation Mr. Rich has been in for so many years. So far no realistic solution was possible. Your clemency is almost a last resort.

MINISTER OF FOREIGN AFFAIRS שר החוץ

I am sure that Marc Rich shall continue contributing to humanitarian causes, as well as to the cause of peace. He will be a friend of noble endeavours whatever his personal situation may be. But, a touch of clemency will serve as a token of recognition to the commitment of this unique man for his service to the community.

Yours Sincerely,

Sh. Ben-Ami

Shlomo Ben-Ami

His Excellency
William Jefferson Clinton
President of the United States of America
The White House
Washington, D.C.

23 November 2000

President William Jefferson Clinton
The White House
Washington
USA

Dear President Clinton,

I take the liberty of writing to you in connection with the initiative undertaken in the USA, to ask for presidential clemency for Mr. Marc Rich.

I came to know Mr. Rich in the last few years in my capacity as the newly elected President of Tel Aviv University. The two foundations established by Mr. Rich have been particularly generous to scientific, cultural and social institutions in Israel and elsewhere, and it is in this context that I first met Mr. Rich. My relationship with Mr. Rich is thus quite recent, but within a short span of time I came to know him quite well and to regard him highly. Not only is he immensely generous, but also quite exceptional, being as a rule an anonymous donor, one who does not seek recognition and publicity.

As a person who has clearly sought to do good, he has been remarkably generous, consistent and effective. Personally, he is a creative, smart and attractive person. We share a large group of mutual friends, many of them leading businessmen, and I know that he is highly regarded by his peers.

If clemency is given to individuals who seek to rebuild their relationship with society, it seems to me that he has clearly earned it and I feel full warranted in endorsing this initiative and recommending clemency.

Sincerely,

HERZOG, FOX & NEEMAN

MICHAEL FOX
YAAKOV NEEMAN
TUVIA ERLICH
MEIR LINZEN
ALAN SACKS
YAACOV BRANDT
EHUD SOL
AMER BERGER
DANIEL CHINN
JANET LEVY PARNIA
ELDAR BEN-RUBY
AMIR SERAYA
YAEL (NEEMAN) BAR-SHAI
EDITH ROTH
YAACOV SHARVIT
ELIOT SACKS
BARUCH KATZMAN
PAUL RUBENSTEIN
DAVID ZAILER
ANAT SHAVIT
ORLY NERON-SHAKED
ADAM EYTAN
ORLY GERBI
MOSHE HARDI
GILAD WEKSELMAN

BOAZ TAL
SHLOMIT SPINDEL
MARK PHILLIPS
LIAT SHAKED-KATZ
YARON KUPFER
SHARON HARLEV-SEGEV
LIMOR HODIR
ARIEL ASSA
ELDAD CHAMAM
RAN TAL
NEAT GINSBURG
RONI LIESTER
KARYN S SCHILLER
GALIA LEVY
NURIT DAGAN
SHIMRIT HANEIN BAR-YOSEPH
YANIV IZARDEL
AMNON EPSTEIN
MENACHEM NEEMAN
ODELIA OFFER
SHARON PETEL
NORIA TAM-HARSHOSHANIM
EYAL MIZRAHI
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ASIA HOUSE, 4 WEIZMANN ST
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EMAIL hfn@hfn.co.il

29 November, 2000

File No. 9999

The Honorable William Jerfferson Clinton
The President of the United States
The White House
Pennsylvania Avenue
District of Columbia
U.S.A.

Dear President Clinton

I was recently informed of Marc Rich's request for executive clemency. Knowing Marc Rich and his partners for over two decades since my years as Director General of the Finance Ministry, I am aware of the legal difficulties they have faced from the beginning.

It remains difficult to understand the rigidity of the legal system vis-a-vis his case, particularly since others facing similar problems were dealt more flexibly. As Minister of Justice in the previous government, I was instrumental in arranging clemency for cases where there was no other just solution. I intimately know the feelings of citizens who face a stone wall that doesn't hear and has no feelings.

Marc Rich has been one of our most important private individuals involved in the leading issues of our times, not only in Israel and the Jewish world, but also in supporting interfaith and coexistence work throughout the region.

As a religious person, I appreciate the generosity shown by this man who has suffered numerous injustices. It is difficult to comprehend the denial of a last visit to his daughter Gabrielle during her fatal battle with leukemia – a legal system must also be humane. I call your attention to the fact that Israel has granted pardons in more serious cases for humanitarian causes and in order to advance the peace process.

Marc Rich's ability to help so many others throughout his personal, medical and legal trials has earned him the respect and admiration of all those with whom he comes into close association. He has already paid his social debt to society and will be a tremendous resource for America as he winds down his businesses and devotes himself increasingly to philanthropy.

Hopefully, Marc Rich will have the opportunity to reunite with his daughters and grandchildren and enjoy many healthy years with them. I strongly support his request for executive clemency.

Sincerely

Yaakov Neeman

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ירושלים

עיריית ירושלים
Municipality of Jerusalem
بلدية أورشليم - القدس

ראש העיר
Mayor of Jerusalem
رئيس البلدية

Jerusalem, November 27, 2000
29 Heshvan 5761

H. E. William Jefferson Clinton
President of the United States
The White House
Washington, D.C.

Dear President Clinton,

I write to you today on behalf of my good friend Mr. Marc Rich in support of his request for presidential clemency.

My relationship with Marc Rich goes back many years and his discretion and generosity has made him one of the main benefactors of Israel and the Jewish people.

The city of Jerusalem has benefited in particular from his support over the years. His efforts include a new wing at the Israel Museum, new trauma departments at the Shaare Zedek and Hadassah Medical Centers, a new wing at the Hebrew University as well as a long list of donations to associations dealing with the improvement of the quality of life in our country.

In short I have witnessed his long years of endurance and suffering as a result of the legal impasse of his case. I believe that the time has come to end his exile and allow him to rejoin his family in New York - his children and grandchildren. Any wrongdoing, if any, has been largely surpassed by his voluntary contributions to society as a whole, and I believe that he will continue to devote his philanthropic generosity to the welfare of the needy in the United States as well.

Yours sincerely,

Ehud Olmert

כיכר ספרא 1 ת.ד. 775, ירושלים 91007, טלפון: 02-6297997, פקס: 02-6296014
1 Safra Square, POB 775, Jerusalem, 91007, Israel, Tel: 02-6297997, Fax: 02-6296014
ميدان سفرا ١، ص.ب. ٧٧٥، أورشليم - ألقدس ٩١٠٠٧، هاتف ٦٢٩٧٩٩٧-٠٢، فاكس ٦٢٩٦٠١٤-٠٢.
כתובתנו באינטרנט: www.jerusalem.muni.il

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Director, Development
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Director, Marketing &
Communications
RONALD D. FRIEDMAN

Assistant National Director
Director, International Affairs
KENNETH JACOBSON

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CARYL STERN-LAROSA

Finance & Administration
Chief Financial Officer
MICHAEL A. KELLMAN

Leadership
Assistant to the National Director
MARK D. MEDIN

•

Washington Representative
JESS N. HORDES

•

General Counsel
ARNOLD FORSTER

ADL Anti-Defamation League®

December 7, 2000

The President
The White House
Washington, DC 20500

Dear Mr. President:

I write in support of Marc Rich's request for executive clemency.

I have known Marc Rich for years, as both a personal friend and through his generous support of the Jewish community in the United States and abroad. He is a profoundly generous man who despite his misfortunes has worked tirelessly for the good of others. In addition to losing his home in the United States, he lost his daughter Gabrielle to leukemia. His response to the loss of his daughter was to set up a foundation for leukemia research, taking on himself the burden of preventing, insofar as is in his power, the tragedy that struck his family from striking others.

Marc Rich has made amends. Over the past twenty years through his foundations he has donated over $100,000,000 to educational, cultural and social welfare programs. These programs have included resettlement aid for Ethiopian immigrants in Israel, medical facilities and training for Palestinian communities in Israel, and emergency relief in Kosovo and Turkey. In addition to his institutional support, as long as I have known him, he has been unstinting in his generosity to the individuals around him.

Marc Rich would now like to be reunited with his family in the United States, as he could not be while his daughter was dying. I believe that now is the time for the compassion Marc Rich has shown to the world to be shown to him and his family.

The extent of Marc Rich's suffering has become disproportionate to his mistakes. His life has been committed to making the world a better place. Nevertheless, he has been singled out among the transgressors of old, short lived energy regulations for criminal treatment. The prosecutor's office has been unwilling to enter into any discussions about the charges, even when his daughter was dying in New York.

We are a country that was founded on the belief in second chances. I have known you to be a generous and compassionate man. Marc Rich and his family are deserving of that generosity and compassion.

Sincerely,

Abraham H. Foxman
National Director

Anti-Defamation League of B'nai B'rith, 823 United Nations Plaza, New York, NY 10017
(212) 885-7700 FAX: (212) 867-0779 www.adl.org

MICHAEL H. STEINHARDT
[redacted] NEW YORK, NEW YORK 10022
TELEPHONE (212) [redacted] FAX (212) [redacted]

December 7, 2000

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

Dear Mr. President,

I think you may remember me as one of your earliest national supporters. We met when I was chairman of both the Democratic Leadership Council and the Progressive Policy Institute, positions that I held until my resignation in 1995. I became involved in the political world in the mid 80's primarily because of my interest in "ideas", and the DLC best represented where I thought I was on the political continuum. But when ideas and human judgments seemingly led in different directions I stepped away. I recently revisited that period with Al From, and I am not sure I would make that same decision.

Invariably, life is filled with conflictual judgements and none of us escapes unscathed. I am writing this letter, Mr. President, to appeal to you on behalf of my friend, Mr. Marc Rich, who, I think, has been punished enough. While there remains controversy as to the facts surrounding Marc Rich's indictment in the early 1980's, there's no doubt that he was a successful person both, before and after, that horrific experience. He has continuously been successful in business. He's a responsible parent, grandparent, and son, as well as an unusually philanthropic individual throughout his life. Aside from this one experience, Marc has led a totally admirable life.

It would not be possible to recreate the circumstances surrounding a highly complicated series of facts occurring over a long period in the early 1980's. The people are no longer there, the attitudes have changed, and even many of the laws have changed. For Marc Rich, whose personal life has already been burdened by the profound constraints imposed by the circumstances of this case punishment, have been in some ways severe. He could not properly mourn his daughter. He could not live with his children or grandchildren. He has suffered more that most. As in his mid 60's, there is nothing that would be more important to him than to return to the United States of America and to live in peace.

Mr. President, I have known Marc for more than twenty-five years. I assure you that Marc Rich's moral and ethical standards amply justify your consideration of his pardon, so that in his remaining years he could fulfill his highest aspirations, which will make all of us, as Americans, proud.

Thank you very much.

Sincerely yours,

Michael Steinhardt

MACCABI HEALTHCARE SERVICES

November 28, 2000

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

Dear President,

I take the liberty to join the list of supporters requesting presidential clemency for Mr. Marc Rich.

I have known Mr. Rich for many years now and found him to be a fine and generous individual willing to help good causes when asked. As Head of the Mossad, (1989-1996) we requested his assistance in looking for MIA'S and help in the rescue and evacuation of Jews from enemy countries. Mr. Rich always agreed and used his extensive network of contacts in these countries to produce results sometimes beyond the expected. Israel and the Jewish People are grateful for these unselfish actions which sometimes had the potential of jeopardizing his own personal interests and business relations in these countries.

Since my move to civilian life and as CEO of the second largest HMO in Israel, Maccabi Health Services I have become aware of his philanthropic contribution to hospitals, medical and scientific research and sick persons. In many cases these donations were anonymous. Although, the Rich Foundation due to inadequacy with its policies did not accept applications from our HMO, I recognize that his contribution in the medical field was and still is meaningful.

We did have success in recruiting his support of the "International Center for Research and Anti Terrorism Policy", a private non profit think tank of which I am the Chairman of its board and executive committee.

I wish him well and hope there is a way to bring to an end his legal difficulties in the USA. I strongly recommend offering a chance to this fine man to reintegrate with his family life in the United States of America where I am sure he will use his energy and creativeness to do additional good to society.

Sincerely,

Shabtai Shavit

REAL ACADEMIA
ESPAÑOLA

24th November, 2000

The Honorable William Clinton
President of the United States of America

The White House, Pennsylvania Avenue
Washington, District of Columbia

Dear President Clinton,

I am pleased to acknowledge the important work of the Marc Rich Foundation in Spain. Since its establishment in 1988, the Marc Rich Foundation has contributed significant resources to the benefit of nearly every sector of society. Health, Social Welfare, Science, the Humanities, and most visibly in Art and Culture.

As Chairman of the Foundation Board for almost 10 years, I can confirm that Marc Rich has played an important role in furthering these areas. All of this was done with the highest ideals of generosity and humanitarian concern in collaboration with many of Spain's leading public institutions. He is an upright citizen and highly respected in Spain where he has lived for many years.

I wish him well and hope that the problems he faces will be resolved soon.

Sincerely,

Camilo José Cela
Marqués de Iria Flavia

HADASSAH
THE WOMEN'S
ZIONIST
ORGANIZATION
OF AMERICA, INC.

50 WEST 58 STREET
NEW YORK CITY
NEW YORK
10019-2500

TEL. 212.355.7900
FAX 212.303.8282
TTY 212.303.4549
HTTP://WWW.HADASSAH.ORG

FOUNDED BY
HENRIETTA SZOLD
IN 1912

December 7, 2000

The Honorable William Jefferson Clinton
The President of the United States
The White House
Pennsylvania Avenue
District of Columbia
U.S.A.

Dear President Clinton,

I am writing to you on behalf of Mark Rich's request for executive clemency. As you know, I am the Immediate Past International President of Hadassah, The Women's Zionist Organization of America and the present Chairperson of Birthright Israel North America who will bring 10,000 North American young men and women ages 18 to 26 to Israel this January and February.

In my leadership capacities over the past 10 years I have come to know Mr. Rich as a generous supporter of humanitarian projects. In particular his philanthropy provides research and health care through the Hadassah Medical Organization to Muslims, Christians, Druz and Jews in Israel and other areas of the Middle East. The tragic loss of his daughter to leukemia coupled with the denial of a last visit before her death has increased his resolve to help find a cure for the fatal disease. Mr. Rich's generosity has been effective and meaningful. I have met him and found that he is not only philanthropic but also very caring of the people he hopes he can serve through his anonymous gifts.

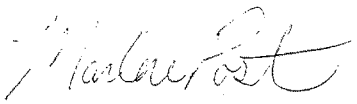
Mr. Rich has made possible a large part of the Birthright Israel program. He personally was present to see the thousands of young men and women at a celebration of the program in Israel. Again, he did not seek recognition but wanted to see the faces of the young people who participated. He was so very moved by everyone!

I see Mr. Rich as a man who has spent these last 18 years rebuilding his positive connection to the world at large through kindness, caring and generosity. His enormous number of quiet activities to improve the quality of people's lives because he cares deeply has made a lasting impression on me. I am writing to you because I believe he has paid his debt to society and has earned the respect of so many of his peers and others who

know him. I completely support his request for clemency and hope you will consider it. Please know I am very appreciative of your review of this letter.

With the deepest admiration and respect for my President,

I remain sincerely,



Marlene E. Post
Immediate Past International President, Hadassah
Chairperson, Birthright Israel, North America

הרב שלמה ריסקין

Rabbi Shlomo Riskin

רב העיר אפרת
ראש מוסדות אור תורה סטון מכללות ומכונים

Chief Rabbi of Efrat
Chancellor & Dean,
Ohr Torah Stone Colleges & Graduate Programs

November 28, 2000

To the Honorable William J. Clinton
President of the United States

Dear Mr. President,

Needless to say I have been very much impressed and even inspired by your many activities as the most powerful leader in the world and have heard only superlatives about you from two friends I believe we have in common, Rabbi Menachem Genack and Lou Weisbach. However the personality trait which has most impressed me is your very deep humanity, which was so much in evidence when I had the honor of observing your personal contact with each child you met in the residence of the President of Israel last Hanukka. It is because of your humanity that I wish to add my voice to the request that you bestow a pardon upon Marc Rich and enable him to visit and perhaps even live in the United States.

I have known Marc Rich for several decades. He has always given employ to worthy students of mine in need of occupation and in several instances has been extremely generous to their families when tragedies have struck. (In each case these have been American citizens who studied with me while I taught and administered as a rabbi in Manhattan). His philanthropy is well known: he dedicated a wing in the Israel Museum and he has subsidized many projects for American student – leadership-training in Israel as well as for immigrant rehabilitation and acculturation. Most importantly, as the rabbi of Efrat I have endeavored to foster positive relationships with our neighboring Palestinian villages. These Palestinians have neither health insurance nor the ability to train medical personnel of their own. Marc Rich paid hundreds of thousands of dollars to enable the Palestinians to receive proper medical help and to even send their brightest young people to medical school. He was also instrumental in building a center for early childhood education and physical training – a project which did much to foster good relations – beginning with the sports field used by Palestinians and Israelis which incidentally kept Hamas out of the villages. He did all of this without any fanfare or publicity seeking.

All those who know Marc Rich personally are impressed by his warm personality and his willingness to help every individual, whatever his/her social or economic standing may be. He enjoys a good reputation both as a fair businessman and an honorable human being.

P.O.B. 1037 Efrat, 90435 Tel. 02-9931911. Fax. 02-9934777 ת.ד. 1037 אפרת 90435 טל. 02-9931911 פקס
E-mail: rabbiriskin@ohrtorahstone.org.il

Obviously, I have no way of estimating the nature or the extent of whatever his misdeeds may have been. I can only tell you that I was a witness to his personal suffering and anguish as a result of his having been exiled from the United States. His very beautiful and accomplished young daughter Gabriella – who was one of the most beautiful, sensitive and accomplished people I have ever known – was felled by Leukemia. She was sick for a number of years, but during the last months of her illness she suffered unendurable pain and agony. Marc Rich, always a very devoted and loving father endured unimaginable anguish not to have been able to visit his daughter during those trying months at the end of her life. I myself visited her at the Hutchinson in Seattle where she was hospitalized. Her father's name was always on her lips and he could think of nothing else but his daughter day and night during this period. Whatever his crimes may have been he has already more than paid his debt.

I am deeply grateful that you have taken time to read this letter.
With profound respect and gratitude in advance,

I remain sincerely,

Shlomo Riskin
Chief Rabbi City of Efrat
Chancellor, Ohr Torah Stone
High Schools, Colleges and Graduate programs

Grand Rabbin René Samuel SIRAT
VICE-PRÉSIDENT DE LA CONFÉRENCE DES RABBINS EUROPÉENS

Paris, le 23 novembre 2000

Monsieur Bill Clinton
Président des Etats-Unis d'Amérique
Maison Blanche

WASHINGTON – U.S.A.

Monsieur le Président,

J'ai l'honneur d'intervenir auprès de Votre Excellence en faveur de M. Mark Rich.

Je tiens à attester de sa générosité et de son dévouement dans de nombreuses causes humanitaires, en particulier dans des programmes de formation en vue d'éradiquer la violence, d'enseigner et de promouvoir la paix.

Depuis trois ans, j'assume la direction d'une chaire que j'ai fondée sous l'égide de l'UNESCO et qui s'intitule *Connaissance réciproque des religions du Livre et enseignement de la Paix*. Nous avons pu bénéficier de subventions émanant du fonds philanthropique créé par M. Mark Rich. Notre but est de développer l'éducation sous toutes ses formes dans la vie communautaire et d'amener à une meilleure connaissance de l'Autre. C'est ainsi que nous avons pu organiser à l'Université Al Akhawayn d'Ifrane (Maroc) une Faculté itinérante des religions du Livre avec la participation d'éminentes personnalités comme par exemple M. Claude Cohen Tannoudji, Prix Nobel de Physique et Professeur au Collège de France.

Par ailleurs, je fais partie du comité *Une âme pour l'Europe* qui a été créé à l'initiative de la Commission Européenne. Nos projets de formation de cadres spirituels ont largement été soutenus par M. Rich.

Je considère de mon devoir d'apporter mon témoignage sur l'action de ce bienfaiteur et j'ose espérer que vous voudrez bien excuser, Monsieur le Président, la liberté que je prends en intervenant auprès de vous.

Je vous prie d'agréer, Monsieur le Président, les assurances de ma très haute considération.

René-Samuel SIRAT
Grand Rabbin du Consistoire Central
de France

51, Rue de Rochechouart 75009 PARIS - Tél. 01.40.16.45.71 Télécopie 01.42.85.19.71

TRANSLATION

Chief Rabbi René Samuel SIRAT
Vice President Conference of European Rabbis

Paris, November 23, 2000

Mr. Bill Clinton
President of the United States of America
White House
Washington - United States of America

Mr. President,

I have the honor to address myself to your Excellence in favor of Mr. Marc Rich.

I would like to testify on his generosity and his devotion to a large number of humanitarian causes, in particular dealing with programs aimed against violence and the teaching of Peace.

For the last three years, I am the Chair which I founded under the auspices of UNESCO, the title being "Knowledge of the Religion of the Book and Education for Peace." We have benefited from grants of the Marc Rich Foundation. Our goal is to develop all forms of education or community life to achieve a better understanding of the other. This is how we managed to organize at the University of France (Maroco) a roaming faculty of the Religion of the Book with the participation of high personalities such as Nobel Laureate Claude Cohen Tanuoji, Professor of the French Academy.

I am also a member of the committee "The Soul of Europe" which was created by the European union. Our projects of spiritual leadership have been largely supported by Mr. Rich.

I consider it my duty to testify on behalf of this good man and I apologize for the liberty I have taken to intervene on his behalf.

Please accept, Mr. President, the assurance of my highest respect.

/s/
René Samuel SIRAT
Grand Rabbi of the Communities of France

הקהילה היהודית במדריד

November 27, 2000

The Honorable William Jefferson Clinton
President of the United States of America
The White House
Pennsylvania Avenue
Washington. District of Columbia

Dear Mr. President,

I am honored to confirm to you that Mr. Marc Rich is a long-time registered member of the Jewish Community of Madrid, whose person is much-loved and respected.

Mr. Rich has generously contributed to the moral and economic well-being of the less fortunate in our community and to the maintenance of our school, the only Jewish school in Madrid, on a personal basis or through the Foundation which he heads.

To our knowledge, Mr. Rich is an honest, hardworking and law-abiding citizen who successfully ran his international company during 25 years. His dedication and contribution in the fields of social welfare, education as well as in Art and Culture has gained him the admiration and high esteem of Spanish society.

As we know him to be a truly upright man, we wish him all the best in his endeavors.

Sincerely yours,

Isaac Querub Caro

Comunidad Israelita de Madrid
הקהילה היהודית במדריד

THE MAYOR OF THE CITY OF ZURICH

The President William Jefferson Clinton
The Whitehouse
Washington DC
USA

Zurich, december 4, 2000

Dear President Clinton

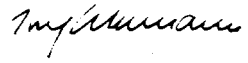
I am writing you on behalf of Mr. Marc Rich to support his request for a pardon.

I have known Mr. Rich for some time and can confirm to you that he is an honest, upright citizen who also has been very charitable for many years, therefore helpful to the communities and the country in general. Of course this is quite apart from the fact that he is a very capable and successful international businessman.

Any wrong-doing that he has been accused of must have been largely surpassed by his voluntary contributions to society as a whole over the almost 20 years that he has been out of the country.

Thanking you in advance.

I remain



Josef Estermann, Mayor of Zurich, Stadthausquai 17, CH-8022 Zürich, Switzerland

Fernando Fernández-Tapias
PRESIDENTE

CONFEDERACION EMPRESARIAL
DE MADRID-CEOE

Madrid 29th November 2000

The Honorable William Clinton
President of the United States of America
The White House, Pennsylvania Avenue
Washington, District of Columbia

Dear President Clinton,

The CEIM Foundation of the Madrid Business Confederation has worked closely for many years with the Rich Foundation on a wide range of programs for the promotion of art, culture and education, especially aimed at the most underprivileged in society.

Mr. Marc Rich has always supported the initiatives our Foundation has proposed, indeed, without his backing, they could not have come to fruition. He has an abiding commitment to seeking solutions to the problems of society and to creating better conditions for the development of the individual, conscious as he is of his responsibility in this regard. In his work as a citizen, his attitude has always been proper, thus earning him significant respect in Spain, where he has lived for many years.

I wish him the best, hoping that the difficulties he is facing can be overcome soon, and in a satisfactory manner.

Sincerely,

FONDATION
BEYELER

The President
William Jefferson Clinton
The Whitehouse
Washington DC

December 1st, 2000

Dear President Clinton,

I am Ernst Beyeler, the founder of the internationally renowned cultural Beyeler Foundation.

I am writing you on behalf of Mr. Marc Rich to support his request for a pardon.

I have known Mr. Rich for some time and can confirm to you that he is a honest, upright citizen who also has been very charitable for many years, therefore helpful to the communities and the country in general. Of course this is quite apart from the fact that he is a very capable and successful international businessman.

Any wrong-doing that he has been accused of must have been largely surpassed by his voluntary contributions to society as a whole over the almost 20 years that he has been out of the country.

Thanking you in advance.

I remain

Ernst Beyeler

Ernst Beyeler

KARL POPPER STIFTUNG

[redacted]

The President
William Jefferson Clinton
The White House
Washington DC

3067 Boll, 3rd December 2000

Dear President Clinton,

I am Kurt R Bolliger, Graduate from USAF Command and Staff College (Maxwelll, Ala) 1959. CO of the Swiss Air Force (Lt General) from 1973 – 1980 (retired), President of the Swiss Red Cross 1982 – 1988, ex officio Vice President of the Federation of Red Cross and Red Crescent Societies, President of the World Red Cross Conference, Geneva 1986 [USA Chief Delegate Admiral Elmo R Zumwalt]. Since 1991 President of the Karl Popper Foundation (Zug) and the Swiss Air Rescue Organisation "REGA".

I am writing you on behalf of Mr Marc Rich to support his request for a pardon.

I have known Mr Rich for more than twelve years and can confirm to you that he is an honest, upright citizen who also has been very charitable for many years, therefore helpful to the communities and the country in general. Of course this is quite apart from the fact that he is a very capable and successful international businessman.

Any wrongdoing he has been accused of must have been largely surpassed by his voluntary contribution to society as a whole over the almost 20 years that he has been out of the country.

Thanking you in advance.

I remain.

Yours sincerely

Kurt R Bolliger

UBS

UBS A.G
Bahnhofstrasse 45
CH-8021 Zurich
Switzerland
Tel +41-1-234-4590
Fax +41-1-234-4447

Pierre de Weck
Member of the Group Executive Board
pierre.deweck@ubscapital.com

www.ubscapital.com

The President William Jefferson Clinton
The Whitehouse
Washington DC
United States of America

December 4, 2000

Dear President Clinton,

I am Pierre de Weck, Member of the Group Executive Board of UBS A.G

I am writing to you on behalf of Mr. Marc Rich to support his request for a pardon

I have known Mr. Rich since 1985 and can confirm to you that he is an honest, upright citizen who has also been very charitable for many years, thereby helping the communities and the country in general. Of course, this is quite apart from the fact that he is a very capable and successful international businessman.

In considering his request, please take into account Mr Marc Rich's voluntary contributions to society as a whole, over the almost twenty years that he has been out of the United States of America.

Thanking you in advance.

I remain,

Yours sincerely,

P. de Weck

Pierre de Weck
Member of the Group Executive Board

UBS A.G

UBS AG is registered in England and Wales under branch registration number BR004507. A public company limited by shares, incorporated in Switzerland
[illegible]

Prof. Dr. Verena Meyer
[redacted]
8053 Zürich
Switzerland

The President
William Jefferson Clinton
The Whitehouse
Washington DC
USA

Zürich, Dezember 5, 2000

Dear Mr. President

As a retired professor of physics at Zurich University, formerly Rector of the University and President of the Swiss Science Council, I am writing to you on behalf of Mr. Marc Rich and herewith should like to support his request for a pardon.

I have known Mr. Rich for many years as an honest and upright citizen and a most generous sponsor of science, culture and charity both in his community and in the whole of Switzerland. Of course this is quite apart from the fact that he is a very capable and successful businessman.

Any wrong-doing that he has been accused of must have been largely surpassed by his voluntary contributions to society as a whole over the almost 20 years that he has been out of your country.

Thanking you in advance I remain respectfully

Verena Meyer

Verena Meyer



UNION BANCAIRE PRIVÉE
GENÈVE

MICHAEL D. DE PICCIOTTO
Managing Director
Member of the Directoire

The President
William Jefferson Clinton
The Whitehouse
Washington DC

10 December, 2000

Dear President Clinton,

I am writing you on behalf of Mr Marc Rich to support his request for a pardon.

I have known Mr Rich for a number of years now and I can confirm to you that he has built a good and honest reputation in this country. Apart from being a very respected and successful businessman, he has also proven to be a highly generous man towards communities in Switzerland and abroad contributing to causes such as, "Médecins sans Frontières", homes for rehabilitation of drug addicts, health preventive education for the children in Gaza and the Society for the minorities in Switzerland, amongst many others.

Thanking you in advance for your consideration.

Yours faithfully,

Michael D. de Picciotto

96-98 rue du Rhône - CH-1211 Geneva 1
Tél. +4122 819 21 11 - Fax +4122 819 36 01 - E-mail mdp@ubp.ch
London tel. +44171 839 22 21

Letters Expressing Support for the Pardon of Mr. Marc Rich

Letters Expressing Support for the Pardon of Mr. Marc Rich

Roni Milo	Minister of Health Former Mayor of Tel Aviv
Dr. Gen. (res.) Ephraim Sneh	Deputy Minister of Defense and Former Minister of Health
Ron Huldai	Mayor of Tel Aviv-Jaffa
Shulamit Aloni	Former Minister of Education and Culture Former Minister of Science and Knesset Member
Arieh Shur	Vice President for External Affairs, Ben-Gurion University of the Negev
Dr. Riyad Zanoun	Minister of Health, Palestinian National Authority
Isaac Herzog	The Government Secretary, Israel
Teddy Kollek	Former Mayor of Jerusalem
Gen (res.) Shlomo Lahat	Former Mayor of Tel Aviv Chairman of the Peace & Security Council
Zubin Mehta	Maestro & Musical Director The Israel Philharmonic Orchestra
Prof. Avi Israeli	CEO, Hadassa Medical Organization, Jerusalem
Prof. Shlomo Mor-Yosef	CEO, Soroka University Medical Center, Beer-Sheva
Dr. Dan Oppenheim	CEO, Rabin Medical Center, Petach Tikva
Prof. Jonathan Halevy, M.D.	CEO, Shaare Zedek Medical Center, Jerusalem

Letters Expressing Support for the Pardon of Mr. Marc Rich

Prof. Yair Reisner	Head, Gabrielle Rich Center for Transplanation Biology Weizmann Institute of Science, Rehovot
Yaacov Agmon	Chief Executive, Habima National Theatre of Israel
Prof. Mordechai Omer	CEO & Chief Curator, Tel Aviv Museum of Art
Dr. David Alexander	CEO & Chief Curator, Museum of the Jewish Diaspora, Tel Aviv
Gila Almagor	Tel Aviv City Council Member, Chairperson, Committee of Culture and Arts
Noam Semel	Director, Cameri Theatre of Tel Aviv
Yonit Weiss	Director of Development, The New Israeli Opera, Tel Aviv
Tzipi Pines	Director, Beit Lessin Theatre, Tel Aviv
Shmuel Atzmon	Artistic and General Manager, The Yiddish Theatre in Israel
Yoav Dagon	Director and Chief Curator, Gutman Museum, Tel Aviv
Misha Gross	Managing Director, The Israel Sinfonietta, Beer-Sheva
Dalia Levin	Director & Chief Curator, Herzliya Museum of Art
Lena Makarova	Holocaust Historian (Theresienstadt)

Letters Expressing Support for the Pardon of Mr. Marc Rich

James S. Snyder	CEO & Chief Curator, The Israel Museum, Jerusalem & Former Deputy Director, Museum of Modern Art, New York
Raya Zomer	Director, Ein Hod Dada Museum
Haim Ben-Ami, Esq.	CEO, ORT Colleges for Advanced Technologies & Sciences
Prof. Avishay Braverman	President, Ben-Gurion University of the Negev
Prof. Uriel Reichman	President, The Herzliya Interdisciplinary Center
Dr. Avi Pazner	World Chairman, United Jewish Fund & Former Ambassador to France and Italy
Aura Herzog	International President, The Council for a Beautiful Israel *Wife of Israel's Sixth President, the late Chaim Herzog*
Erez T. Yanuv	Founder, Aid Without Borders – Israeli-International Volunteer Organization
Gilles Darmon	Chairman of the Board of "*LATET*" – Israeli Humanitarian Aid
Dr. Anthony J. Cernera	President, Sacred Heart University & Center for Christian-Jewish Understanding, Philadelphia, USA
Irene, Princess of Greece	President, Mundo en Armonia, Spain

Letters Expressing Support for the Pardon of Mr. Marc Rich

Prof. Peter Oppenheimer	President, Oxford Centre for Hebrew & Jewish Studies
Leo Pavlát	Director Jewish Museum, Prague
Lady Beatrice Rosenberg of Rothchild	Chairman, École Ganénou Paris
Eyal Sela	Counselor for Cultural Affairs, Embassy of Israel, Spain
Dr. Maurice L. Slevin, MD FRCP	Consultant, Medical Oncologist and Chairman, CancerBACUP, United Kingdom
Miri Ziv	CEO, The Israel Cancer Association Ramat Gan, Israel
Dr. Paul A. Marks	President, Memorial Sloan-Kettering Cancer Center, New York
Robert G. Wilkens, Jr.	Vice President of Development Memorial Sloan-Kettering Cancer Center, New York
Cliff Sanderlin	Director of Foundation Relations, Fred Hutchinson Cancer Research, Seattle, WA
Dr. John Mendelsohn	President, The University of Texas M.D. Anderson Cancer Center
Michael Schneider	Executive Vice President The American Jewish Joint Distribution Committee, Inc.

Letters Expressing Support for the Pardon of Mr. Marc Rich

Francine K. Hazan	Director, Minerva Center for Human Rights The Hebrew University of Jerusalem
Prof. Ady Steg	President Alliance Israélite Universelle
Gilad Sheba	Managing Director Keshet Eilon

Min-richve

MINISTER OF HEALTH

03 December 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture & Welfare
Lucerne
Switzerland

Dear Mr. Rich,

As Minister of Health and previous Mayor of Tel Aviv-Jafo, I wish to acknowledge the significant work done by the Rich and Doron foundations under your direction as Chairman.

The dynamic and varied cultural landscape we enjoy is inconceivable without your contribution. The Tel Aviv Doron cinema center is our leading film center, home to Israel's most prestigious documentary festivals.

The Gabrielle Rich Wing of the Tel Aviv Museum of Art is the newest addition with its spectacular beauty and natural lighting allowing the highlight of the museum's collection to shine.

The Gesher Theatre of Russian immigrants, the international jazz series at the Tel Aviv Performing Arts Center, The New Israeli Opera's neighborhood production in a disadvantaged area of the city are all gems that bring culture to a very diverse Tel Aviv population.

As an art lover myself, I greatly appreciate your generosity in this area, particularly as you have focussed on educating the next generation through youth wings and art appreciation programs.

As Minister of Health, the intensive care units and emergency wings are permanent testimonies to your concern for improving care for the most needy. The medical information centers have given many citizens access to key information in understanding and preventing illness. Many new immigrants, doctors and nurses alike, were assisted by the Foundation to update their skills to the medical system in their new country.

The support for leukemia researchers and the new leukemia research center established by the Gabrielle Rich Leukemia Research Foundation will continue allowing world-renown scientists to find a cure.

We wish you a life of good health, and wish you and your philanthropic efforts continued success.

Sincerely,

Roni Milo

3 Ben Tabai St., Jerusalem 93591, P.O.B. 1176, Jerusalem 91010, Tel. 02 6787626 6705811, Fax. 032 2 6787[illegible]

26 November 2000

מדינת ישראל
STATE OF ISRAEL

DEPUTY MINISTER OF DEFENSE

סגן שר הביטחון

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Marc,

It is with pleasure that I write to express my appreciation to the support given by you and the Foundations you head to humanitarian causes both in Israel and in disaster struck areas abroad.

Much important work has been done in the past years by both the Doron and Rich Foundations, under your guidance, for the improvement of the quality of life in Israel. As the former Minister of Health I can point out particularly the vast work supported in the field of medical care through support of new immigrant doctors in their integration in the Israeli medical system, the support and establishment of special medical units in hospitals all over Israel - especially in medical centers which cater to needy populations.

I was especially impressed with the immediate assistance given by you which enabled the establishment of an emergency ward in Eritrea and the support offered to the Israeli medical team which was sent to give medical assistance in this disaster struck part of the world.

I am confident that your generous and thoughtful contribution to humanitarian causes will continue and I take this opportunity to wish you all the best and much success.

Sincerely yours,

Dr. Ephraim Sneh
Deputy Minister of defense

Tel Aviv's Theatre

The Cameri

101 Dizengoff Street
Tel Aviv 61030
Tel. 03-7252500

27 November 2000

Mr. Avner Azulay
Managing Director
The Rich Foundation

Shalom,

Re: "Requiem" 's Tour to Hungary

The play **Requiem,** written and directed by Hanoch Levin, has just returned from a successful tour to the Europe Festival, which was held this year in Budapest, Hungary. Ten of Europe's best theaters were invited to take part in this prestigious festival, and the Cameri Theatre had the honor to be among the leading ones. The Cameri's performance and Hanoch Levin's play received raving reviews and captured the attention of the European audience. The tickets to the two performances were sold out almost two months before the show , and hundreds of people were disappointed they were not able to attend the performances.

On behalf of the Cameri Theatre and the Mayor of Tel Aviv – Yafo, we thank you for your continued support of the strengthening of the ties between the Cameri Theatre and Europe's Theaters. If it were not for your blessed financial support of the tours to Greece and Hungary, we would not have been able to represent the State of Israel and the City of Tel Aviv in these important European festivals.

We are confident that the Cameri Theatre and its delegation brought Israel its due honor in the European Festival , and we hope to continue doing so in the future.

With warm regards,

Ron Huldai

Mayor of Tel-Aviv-Yafo
and Chairman of the Board of
Trustees of the Cameri Theatre

Noam Semel

Director General

Shulamit Aloni

November 19 2000

Avner Azulay
Managing Director,
The Rich Foundation
Asia House, 4 Weizman Str.
Tel Aviv

Dear Avner,

I am happy to inform you that the International Conference " Women, Equality and Democracy", which took place at the Ben Gurion University in the Negev from November 13 -15, 2000, was an outstanding success, over and above all expectations. I again wish to thank you and the Rich Foundation for your generous contribution to this even, you can be proud of yourselves.

I wish to use this opportunity to praise and commend the work of the Rich Foundation in the fields of education,culture, science,social solidarity and the strengthening of humanism in Israel,immigrant absorption and co existence between the various communities in Israel.

I can afford to give praise without being suspected of paying lip-service, as I am aware of the scope of your activities in all its aspects, both as my being a Minister of Education and Culture and Minister of Science and deeply involved in the social and cultural life in Israel.

You deserve to be congratulated for your extensive activities up to now, and I hope and believe that you will continue along this path. Unfortunately, there are many fields in which people and society need your assistance, and, regretfully, the government doesn't address these problems sufficiently, if at all.

I once again thank you for your contribution, your work and contribution of the Foundation you head to the successful conference in Beer Sheva and in particular for your extensive activities over the years in many fields.

Sincerely,

Signed-Shulamit Aloni

אוניברסיטת בן-גוריון בנגב
Ben-Gurion University of the Negev
The University celebrates its 40th Anniversary

לשכת סגן נשיא לקשרי חוץ אריה שור

e-mail: ashur@bgumail.bgu.ac.il • 07-6472879, פקס 07-6472697

November 29, 2000

Your file No. 2007C

Mr. Avner Azulai
Director General
The Rich Foundation
Asia House, 4 Weizmann Street
Tel-Aviv 64239

Dear Avner,

It is with much appreciation that I take the pleasure of thanking the Rich Foundation through you, for its generous support for the conference on "Women, Equality and Democracy" that took place under the auspices of Ben-Gurion University of the Negev from the 13th to the 16th of this month.

I am happy to report that the conference was extremely successful and very well attended despite the difficult times we are currently living through. The sessions were lively, interactive and most enlightening. I believe that the participants of this conference, (naturally mostly women), came away from it with stronger convictions and definite resolutions to actively support any and all efforts to promote peace between Israel and its neighbors.

Thank you very much for your always-ready sponsorship for so many of our efforts to promote social awareness and benefit the community.

Sincerely yours,

A. Shur

Arieh Shur
Vice-President for External Affairs

Enclosed: receipt No. 61297.

PALESTINIAN NATIONAL AUTHORITY
MINISTRY OF HEALTH
INTERNATIONAL COOPERATION DEPARTMENT

السلطة الوطنية الفلسطينية
وزارة الصحة
إدارة التعاون الدولي

Ref. 1053 /98

Date :12/08/98

Ms. Tamara Barnea
Director
JDC- Special Programs
In the Middle East

Dear Ms. Barnea ,

Subject: HED-PAL-ADOL Grant from Rich Foundation.

Reference is made to your letter dated 26 July 1998 regarding the above mentioned subject.

We would like to thank you very much and the Rich Foundation for all good efforts made to help the Palestinian children appreciating your assistance to develop the HED-PAL-ADOL.

Kindly be informed that we strongly support the project and we are proceeding with all our available resources.

We remain sincerely yours,

Riyad Zanoun
Minister of Health

- c.c. Dr. Munzer Sharif, Deputy Minister
- Dr. Zahera Habash
- Dr. Mohammad Afifi

وزارة الصحة – غزة ٨٢٩٣٠١/٢/٣ (٠٧) ٨٢٦٢٩٥ – ٨٢٦٣٢٥
MINISTRY OF HEALTH - TEL 07-829301/2/3 - GAZA - FAX 826295 - 826325

THE GOVERNMENT SECRETARY
Jerusalem, Israel

מזכיר הממשלה
ירושלים

November 28, 2000
אי כסלו, תשס"א

Mr. Marc Rich
Baarerstrasse 53
CH-6304 Zug
Switzerland

Dear Marc,

I was very happy to hear from you recently. I was sorry not to have been able to see you during my recent visit to Switzerland.

I take this opportunity to once again express my deep appreciation of your endeavors and generosity. Your charitable work in Israel and elsewhere, especially in the Jewish world is extremely impressive. I personally believe that not many people can attest to have had such input in the upgrading of social and medical services in Israel as you have through the dedicated work of your Foundations over the past 20 years.

Many people in Israel are grateful to you and to your Foundations and you should take very great pride in your "Gmilut Hasadim" (Charitable Deeds).

I look forward to being able to meet you soon. In the meantime, I wish you a happy and healthy 2001!

Sincerely,

Isaac Herzog

הקרן לירושלים
THE JERUSALEM FOUNDATION
مؤسسة صندوق القدس
עמותה רשמית

29 November 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Marc,

I'm happy to affirm that the Jerusalem Foundation considers you and the foundations you head as allies and friends in the mission to improve the quality of life for Jerusalem's citizens, to enrich the city's cultural life and to bridge the gaps between the various ethnic groups which make life in the city so complicated.

Over the years, your assistance to the Jerusalem Foundation's work has expressed itself in many important projects. Just to name a few: assistance to the establishment of the center for the prevention of family violence, the purchase of therapeutic equipment for the emergency center for children, the sponsorship of Jerusalem's international puppet theater festival, the support of young artists and joint workshops for religious and non-religious children and youth.

You generosity and support of the city of Jerusalem over the years has helped us in our endeavor to upgrade the services offered to the city's residents and to advance the city's cultural life.

I deeply appreciate your commitment to Jerusalem, and I am confident that your collaboration with us will continue improving the lives of all of Jerusalem's residents.

I wish you every success in the future.

With warmest regards,

Yours gratefully
Teddy

Teddy Kollek
International Chairman of the Jerusalem Foundation

11 Rivka Street POB 10185
Jerusalem 91101 Israel
Tel: 972-2-675 1711

شارع ريفكة ١١ ص.ب ١٠١٨٥
اورشليم القدس ٩١١٠١
تلفون: ٠٢-٦٧٥١٧١١

רח' רבקה 11 ת"ד 10185
ירושלים 91101
02-675 1711 טל'

Shlomo Lahat
[redacted] Tel-Aviv, 69690, Israel
Tel. [redacted] Fax [redacted]

26 11 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Zug
Switzerland

Dear Marc,

Thank you again for the air-conditioner for the blind couple. You have no idea how this eased their lives during the long hot summer we had.

As former mayor of Tel-Aviv for over 20 years, I remain deeply appreciative of your efforts to ease the life of the needy, the culturally deprived in Tel-Aviv and in Israel

From the Art Appreciation classes for children in deprived neighborhoods, The Workers Rights Center and Hotline for Tel-Aviv's thousands immigrants workers, and the many efforts to encourage peaceful coexistence with our Arab neighbours, you have left no stone unturned in trying to help us improve our daily lives.

The museums, the philharmonic and jazz concerts, operas, the Cinematheque Film Center, immigrants and veteran theaters, all receive your support and enable thousands to attend performances they would otherwise be unable to afford.

Most of all Marc, I know that your heart is with us, your address always known should I need a partner.

I wish you success in your efforts to return to the States and reunite with your daughters and grandchildren.

Sincerely yours,

Shlomo (Chich) Lahat
Former Mayor of Tel-Aviv Yafo

THE ISRAEL PHILHARMONIC ORCHESTRA
Founded by Bronislaw Huberman
Music Director: Zubin Mehta

התזמורת הפילהרמונית הישראלית
נוסדה ע"י ברונסלב הוברמן
מנהל מוסיקלי: זובין מהטה

20 November, 2000

Mr. Marc Rich
Chairman of the Board
Rich Foundation
Switzerland

Dear Marc,

For the past two decades, the Israel Philharmonic Orchestra has been privileged to enjoy a close and special friendship with the Rich Foundation.

The Foundation's love and support of music has been a great asset to our Orchestra, enabling us to give concerts in remote and under-privileged towns and expand and enhance the Orchestra's musical programs for Israeli youth. Moreover, the Rich Foundation's on-going assistance has helped the Orchestra to maintain its standards of musical excellence as well as its position at the forefront of cultural diplomacy.

I would like to take this opportunity to thank the Rich Foundation and express my heart-felt appreciation for its exceptional support of the Israel Philharmonic Orchestra.

Yours,

Zubin Mehta
Music Director

Telephone: 03-6211750 Fax: 972-3-6290097 .פקס 03-6211750 :טלפון
Fredric R. Mann Auditorium, Huberman 1 היכל התרבות ע"ש פרדריק ר' מאן, הוברמן
P.O.Box 23500, Tel-Aviv 61231 ת"ד 23500, תל-אביב

hadassah medical organization
central administration

kiryat hadassah
p.o.b. 12000
il 91120 jerusalem israel
telephone 02-6777111
cables hadassah
fax 02-6434434

הסתדרות מדיצינית הדסה
ההנהלה המרכזית

http www.hadassah.org.il

November 26, 2000

Mr. Marc Rich
The Rich Foundation
Beit Asia
4 Weizman st.
Tel Aviv 62439

Dear Mr. Rich,

As the Rich Foundation marks twenty years of activities, we at Hadassah think it is appropriate to express our gratitude for the on going support and wonderful cooperation between the Foundation and Hadassah.

Over the years the Rich Foundation has left a lasting imprint on Hadassah. To name only some of your contributions, there is the Gabrielle Rich Leukemia Research Center and generous contribution to the absorption of newcomer nurses in Israel. A most special and important contribution was our Trauma Center you donated. This donation involved a lot of vision in addition to the financial support. You believed in us when it was only an idea. The result was that other hospitals in Israel followed us and established similar Trauma Units.

On behalf of the so many patients who, thanks to your vision and generosity, could received much better state-of-the-art medical treatment, I wish to express the gratitude of all of us in Hadassah.

I hope we will continue to enjoy your support in more visionary project as we have been privileged so far.

Sincerely,

Prof. Avi Israeli
Director General.

שירותי בריאות כללית

המרכז הרפואי האוניברסיטאי סורוקה
SOROKA UNIVERSITY MEDICAL CENTER
www.clalit.co.il • http://soroka.bgu.ac.il • 84101 באר שבע ת.ד. 151

P.O. BOX 151, Beer-Sheva 84101 Israel
fax: 07-6277364 phone: 07-6403408

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Mr. Rich,

Soroka Medical Center is the only hospital in the southern Negev region of Israel and serves a very heterogeneous population, many of whom are Bedouins and immigrants from the former Soviet Union and Ethiopia.

Your Foundation has always identified itself with the growing needs of our medical center and has played a cardinal role in upgrading our medical services to the extent that the Soroka University Medical Center is now considered to be one of the leading and busiest hospital in Israel.

Such special contributions as a medical information center for patients (in Hebrew, Arabic, Russian and Amharic), modernizing of operating theatres and the establishment of a new general intensive care unit have made a significant change in the services and quality of treatment we can offer our patients.

In view of the unfortunate recent increase in violence in our area, the trauma center and the intensive care unit in Soroka are sometimes overwhelmed with casualties. Thanks to your generous and important support we are enabled to provide high standard medical care.

On behalf of the Soroka Medical Center and the people of the Negev, I am honored and pleased to express our deep appreciation of your support over the years, and look forward to our continued cooperation for the benefit of the whole Negev region.

We look forward with great anticipation and excitement to your visit at our center at your earliest convenience.

Thank you again for your wonderful humanitarian help.

Best wishes,

Sincerely Yours,

Prof. Shlomo Mor-Yosef
Director General

שירותי בריאות כללית

מרכז רפואי רבין
RABIN MEDICAL CENTER
Affiliated with the Sackler School of Medicine, Tel Aviv University
BEILINSON CAMPUS קמפוס בילינסון

Mr. Marc Rich
Chairman of the Board
Rich Foundation for Education, Culture and Welfare

November 28, 2000

Dear Mr. Rich,

As a sponsor of a number of important projects at the Rabin Medical Center over the past few years, I am pleased to report to you on their progress and development.

Your donation in 1995-96 was applied to the acquisition of state-of-the-art equipment for the catheterization laboratory of the Department of Cardiology at RMC, enabling the development of a very successful Catheterization Unit. This unit, with its well-trained staff, performs more than 4000 diagnostic and interventional catheterization procedures annually, and is considered one of the top units in the country. Dr. Ran Kornowski, a leading figure in cardiac catheterization, joined the department a few months ago and leads both the clinical and research aspects of this unit.

Your donation in 1999 was an important component in the establishment of The Women's Health Education and Resource Center, a unique service in Israel. The Center offers women a means to obtain information regarding health issues, enabling them to make informed decisions along with their physicians. Many prominent guests, including the First Lady of the United States, Mrs. Hillary Rodham Clinton, and the First Lady of the Republic of Germany, Mrs. Christina Rau, have visited and been impressed by the Center.

We are most appreciative of the importance you have given to the development of medical services at our hospital. We hope to be able to continue this relationship, and we invite you to visit us here so that we can show you both our research and clinical treatment centers.

Sincerely yours,

Dr. Dan Oppenheim
CEO Rabin Medical Center

November 30, 2000

Mr. Mark Rich
c/o Mr. Avner Azoulai
Doron Foundation
Beit Assia
Weizmann 4
Tel Aviv

Dear Mr. Rich,

Shaare Zedek acknowledges with deep gratitude the support we received from the Doron Foundation between the years 1981 and 1994.

During those years, the Doron Foundation provided regular, steadfast assistance to the hospital totaling almost $1.9 million, representing an average annual contribution of $135,600.

The Foundation's support was of great help as we outfitted our departments and clinics with state-of-the-art equipment, following our 1979 move to our present modern facilities near Mount Herzl.

Among the many purposes to which these funds were used was the equipping of the Mammography Room in our Department of Radiology. As you know, early detection of breast tumors is the decisive factor in saving the lives of women who are struck by breast cancer, and mammography is a key component of early detection.

The hospital has, regretfully, received no further support from the Foundation since 1994.

Shaare Zedek is appreciative of the 14 years of support we received from the Doron Foundation, which helped us to provide superior medical care to the people of Jerusalem and to develop into one of Israel's premier centers of medicine.

Sincerely,

Prof. Jonathan Halevy, M.D.
Director-General

המרכז הרפואי
שערי צדק
ירושלים

shaare zedek
medical center
jerusalem

a university
affiliated
teaching
hospital

פרופ' יונתן הלוי
המנהל הכללי

ת.ד. 3235
ירושלים 91031
טל' 02-6555493
פקס' 02-6513936

Prof. Jonathan Halevy
M.D.

office of the
director-general

p.o.b. 3235
jerusalem 91031
tel. 972-2-6555493
fax 972-2-6513936

מכון ויצמן למדע
רחובות 76100
טלפון 08 934 4012, 934 4013
פקס 08 934 4141

Weizmann Institute of Science
Rehovot 76100, Israel
Phone 972-8-934-4012, 934-4013
Fax 972-8-934-4141

המחלקה לאימונולוגיה
Department of Immunology

30 November, 2000

Mr Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Mr Rich:

I would like to extend my sincere thanks and greatest appreciation for your strong support of our scientific activities during the past three years, as well as for your generous donation for the establishment of the Gabriella Rich Center for Transplantation Biology.

Your understanding of the importance of our work has been of the utmost help in enabling us to extend and refine a new approach which we developed recently, allowing bone marrow transplantation for leukemia patients who do not have a matched donor in the family. This approach is largely based on our finding that mouse and human stem cells can effectively suppress and overcome the rejection mechanism mediated by residual immune cells remaining in the host after the supralethal radiochemotherapy applied prior to transplantation. It is hoped that our studies will not only lead to improved results in this area, but also shed light on the obscure mechanism by which the bone marrow stem cells are capable of paralysing the cells which come to attack them.

In addition, the establishment of the Gabriella Rich Center for Transplantation Biology will further aid two additional excellent groups at the Weizmann Institute investigating other aspects of stem cell biology. The group of Prof. Dov Zipori, who made seminal contributions to the understanding of the interaction between the microenvironment of the bone marrow and the hematopoietic stem cells and the group of Dr Tsvee Lapidot, who, in recent years, has

מכון ויצמן
למדע
רחובות 76100
טלפון 08 934 4012, 934 4013
פקס 08 934 4141

Weizmann Institute
of Science
Rehovot 76100
Phone 972 8 934 4012, 934 4013
Fax 972 8 934 4141

המחלקה לאימונולוגיה
Department of Immunology

made important discoveries on the mechanism by which stem cells travel and seed the bone marrow and other hematopoietic tissues.

It is hoped that the collaboration between our scientific groups, with your encouragement and interest, will lead to further important achievements in the general area of transplantation biology and specifically in the advancement of bone marrow transplantation.

Sincerely,

Yair Reisner, Ph.D.
Professor, Dept. of Immunology
Head, Gabriella Rich Center for Transplantation Biology
Weizmann Institute of Science

HABIMAH
National Theatre of Israel

29 November 2000 Our ref. T-21989

The Rich Foundation
Att: Mr. Avner Azulay
Fax: 6954376
Asia House
Weizman st.
Tel-Aviv

Re: **Report of Habimah participation in the Prager Theaterfestival Deutcher Sprache**

Dear Mr. Azulay,

Upon my return from the Prague Festival where we performed our production of "The Caucasian Chalk Circle", I would like to take this opportunity and thank the Rich Foundation for its support, assistance and collaboration during the last years.

The participation of the Habimah National Theatre in this prestigious Festival was the first time an Israeli theatre performed in Prague and the impact of the two shows was very strong.

I take this opportunity to thank the Rich Foundation for its support in this tour. Without the contribution of the Foundation I'm not sure we could materialize this important project.

I feel obliged to mention the strong collaboration with the foundation during the last years, which resulted in some most important projects for the theatre and for the community.

"Civil War" – during the last three years the Rich Foundation supported the young Habimah Company and by this enabled us to bring important tutors from abroad. The Rich Foundation enabled us to perform "Civil War" outside Tel-Aviv and to bring this politically important production to the periphery. The support of the Rich Foundation enabled us to have 10 additional performances of "Civil War" in the Rabin memorial day.

The Sternheim project - The Rich Foundation, with its support enabled Habimah to go into this experimental Artistic project.

HABIMAH
National Theatre of Israel

"Singing against Violence" The Rich Foundation supported this special event which was part of Habimah's campaign against violence.

"Haluda" and last but not least, the Foundation supported the 4 performance of this Acco Festival wining production which also bore connection to the Rabin assassination.

For all these activities which were all of utmost importance, I wish to thank the Rich Foundation And to express my hope that this fruitful collaboration will continue and strengthen.

With all best wishes,

Yours Sincerely,

Yaacov Agmon
Chief Executive

TEL AVIV MUSEUM OF ART מוזיאון תל אביב לאמנות

Tel Aviv, 29 November 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Mr. Rich,

May I, once again, take the opportunity to express our profound gratitude to you for your enormous contribution to the enrichment of the cultural life of Israel in general, and to that of the Tel Aviv Museum of Art in particular.

In this country, where daily life always seems to be lived under great pressure and stress, we believe that art has a crucial role to play. In our Museum , we welcome tens of thousands of children, teachers from all parts of the country, old people and young, soldiers, Arabs, minorities, new immigrants and established Israelis. Recently we have had record numbers of visitors and it appears that for them the Museum has become an oasis and a place of refreshment for the soul.

All visitors to the Museum are delighted by the beautiful Gabrielle Rich Wing. Because it is always so full of vitality, it is truly a tribute to the memory of your daughter, who was herself so enchanted and involved with the arts. As a memorial to her, it is filled with beauty and with the spirit of creativity, which I believe were among the outstanding characteristics of this extraordinarily talented young woman. The building, which bears her name, has had a tremendous impact on the life of the Museum, and it has proved to be a most wonderful enhancement, beyond all our dreams.

Since it opened a year ago, every day hundreds of children and young people participate in educational activities in the Gabrielle Rich Wing – from gallery games and shows to serious lectures and concerts. However, the beginning of your important support for the Museum's educational activities dates back to the Doron Foundation in 1988. Through the years your donations have helped to initiate new programmes and develop unique art workshops for children, particularly for those from underprivileged areas. The encounters with original works of art, and the creative activity in art workshops, continue to engage their imagination and curiosity, while also encouraging self-development and broadening their horizons.

The Henri Cartier-Bresson photographs, which came to the Museum through your initiative, are yet another example of your tremendous and thoughtful support for the arts. The Museum collection was greatly enriched by your donation, and the exhibition of the work of this renowned photographer was one to which our audiences responded with much enthusiasm and warmth.

On behalf of all those who believe that, in addition to their intrinsic value, the arts can play an invaluable role in the development of a country and a people, as well as in the building of bridges between individuals and cultures, I wish to thank you wholeheartedly for the many ways in which you, through the Rich Foundation, so effectively contribute to the arts, to Israel and hence to the quality of life in this land.

Yours very sincerely,

Mordechai Omer

Professor Mordechai Omer
Director and Chief Curator

Beth Hatefutsoth
The Nahum Goldmann
Museum of the Jewish Diaspora
incl. the Abraham & Edita Spiegel Family Bldg

על שם נחום גולדמן
כולל בניין ע"ש משפחת אברהם ואדיתה שפיגל

DIRECTOR-GENERAL'S OFFICE

לשכת המנכ"ל

November 28, 2000

Mr. Avner Azulay
The Marc Rich Foundation
Beit Asia - Weizmann 4
Tel Aviv

Dear Avner,

I am very happy to forward to you the schedule of the Marc Rich Seminar at Beth Hatefutsoth, planned to take place between the 19th and 21st of December, 2000.

Formal invitations to the festive opening session, honored by the presence of Israel's President - and having as lecturers Mr. Avraham Burg, speaker of the Knesset, Prof. Itamar Rabinowitz, President of Tel Aviv University and Prof. Anita Shapira - will follow shortly.

Allow me to seize this opportunity and to express Beth Hatefutsoth's appreciation to Mr. Marc Rich for the allocations and sponsorships that this institution has been granted over the years by both the former Doron Foundation and the Marc Rich Foundation. Thus enabling us to promote an educational program, as well as to present our exhibition on Spain, and as a major project - to renovate and upgrade our multimedia presentation, the Chronosphere, which to date has versions in Hebrew, English, German and Russian.

If I may add a personal note, as a former Head of the Cultural Administration in the Ministry of Education and Culture - I know that Israel's cultural world is greatly indebted to Marc Rich's involvement in a wide variety of artistic projects, innovations and institutions.

Almost every area of creativity bears witness to the generosity of the Doron and Rich Foundations, which have allowed new creations to materialize and more experienced artists to thrive.

With very best wishes,

Dr. David Alexander
Director-General

Encl.: seminar schedule

RAMAT AVIV, P.O.B. 39359 TEL AVIV 61392 FAX. 03-6462050 TEL. 03-6462161 רמת אביב, ת.ד. 39359 תל-אביב 61392 טל. פקס. 03-6462050

Municipality of Tel Aviv-Yafo עיריית תל אביב–יפו

2446

20/07/1999

Mr. Marc Rich
Chairman to the Doron and
the Rich Foundations
Luzern, Switzerland.

Dear Mr. Rich,

Please allow me to introduce myself, I am a new member of the Tel Aviv City Council, and the Chairperson of the Committee of Culture and Arts. In addition to my acting career (43 years in theater and cinema) I decided to commit myself to public service, and found the role challenging and providing me with vast cultural and art opportunities.

I am writing to you now, after I had the chance to learn more about the extensive cultural activity in Tel Aviv-Yafo. Amazingly, I found out that over the past few years almost all cultural and/or art projects in Tel Aviv were sponsored by the Rich and Doron Foundations. I am trying to find the words to express my deep appreciation and admiration for your generosity. Culture and art are important aspects of every society, particularly, in a country that is constantly struggling to maintain normal and enriching life regardless of its security and financial hardship.

Once again, I would like to thank you for your deep interest and devotion for Tel Aviv and the arts and cultural life in Israel. Your contribution inspires us all to commit ourselves further and keep developing all aspects of our life.

Yours sincerely,

Gila Almagor
MEMBER OF THE CITY COUNCIL
CHAIRPERSON OF THE COMMITTEE OF CULTURE AND ARTS

THE THEATRE OF TEL AVIV

CAMERI THEATRE

101 DIZENGOFF ST P.O.B 1014
TEL AVIV 61010 ISRAEL
TEL 03-527-9888
FAX 03-524-6068

28 November 2000

Mr. Marc Rich
c/o Avner Azoulay
The Rich Foundation
4 Weizmann St.
POB 33622
Tel Aviv 61336

Dear Mr. Rich,

We have just returned from an extremely successful appearance in Budapest, where the Cameri performed *Requiem*, the much-acclaimed play, by Hanoch Levine.

Levine is undoubtedly the greatest Hebrew-language playwright to date, whose untimely death last year has left the artistic community in Israel bereft, not only of its most gifted dramatist, but also of a true visionary, whose indelible mark on our theater and society will be felt for many years to come.

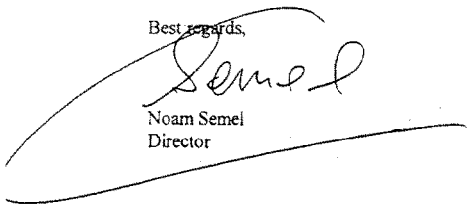
We are, indeed, grateful to the Rich Foundation for helping us to bring this universally-relevant play to Budapest, within the framework of the Foundation's support for a broad spectrum of top-level Israeli cultural endeavors.

The Foundation's assistance, in exposing audiences abroad, to original Israeli drama, is of the utmost importance. As you know, Israeli playwrights--even the most brilliant among them, such as Hanoch Levine--are often barred from world attention and universal recognition, because of lingual barriers, i.e., the fact that they write in Hebrew. I know this to be true not only for Europe, but also for the US, where in my capacity as Israeli Cultural Attache, in the early eighties, I encountered many a difficulty in presenting choice samples of Israeli arts that are language-bound, even to the vast Jewish audiences.

Your assistance in bringing a number of original Cameri plays, to Parma, Athens and now Budapest, has resulted in exposure, not only of wonderfully rich cultural endeavors developing in this country, but also of issues, dilemmas, hopes and fears which mark Israeli society. In that some of these plays feature Jewish & Arab actors, they demonstrate that Jews and Arabs **can** collaborate fruitfully, making for successful productions; ones that are both artistically professional and speak to core issues of concern, of Jews & Arabs alike, in this conflict-ridden land.

We look forward to continued collaboration, in bringing the best of what Israeli theater has to offer, to audiences in Europe and the US, as well as to Jews and Arabs in Israel and eventually in the region as a whole.

Best regards,



Noam Semel
Director

THE NEW
ISRAELI
OPERA
TEL AVIV

Tel-Aviv, November 27, 2000

Mr. Avner Azoulay
The Rich Foundation
P.O. Box 33662
Tel-Aviv 61336

Dear Mr. Azoulay,

I would like to share with you the success story of "Carmen in Neve Eliezer"

Carmen in Neve Eliezer premièred on November 11th, 2000 at The Neve Eliezer Community Center and on November 13th, 2000 at The Noga Theater in Jaffa.

The work of a year and the hard preparations has finally paid off. The performance was a tremendous success and was received with enthusiasm by audiences and critics alike.

The wonderful and raving reviews in "Ha'aretz", Israel's most prestigious newspaper, the letters we received from the participants and some viewers and the passion with which it was received by the audience all proved that our vision has become a reality.

To quote a letter from a participant to Mrs Hanna Munitz: "For me it has already been a whole year living with a feeling that drops of happiness are drizzling through my sole, caressing me – opera is for me like the singing of angels which penetrates my body and strums on a new string within me, each time, a hidden string which I never knew existed until the first day I listened and viewed an opera".

Another letter from a viewer quotes "Carmen in Tel-Aviv proved above all else, that opera which is always presented as the culture of the elite, is only but e stigma that can be easily shattered, the proof being that it can succeed in a community of lower socio-economic\stature.

Following the large waves of enthusiasm, we have received numerous requests to mount this production in Shechunat Hatikva, Ashdod, Metuila and additional places

In addition, we are planning to repeat this successful project in Shechunat Hatikva, The work Carmen in Shechunat Hatikva, which like Neve Eliezer is an underprivileged neighborhood in the south of Tel-Aviv, is scheduled to begin in January 2000.



THE NEW
ISRAELI
OPERA
TEL AVIV

Many of the residents of Neve Eliezer, as like Shechunat Hatikva are the hard core of society. Their involvement in this project has literally over turned their life and helped them rehabilitate themselves. They all come with a very heavy load and have managed to take out their aggression and frustration into a form of creation. Some are ex-drug addicts and ex-convicts who are now completely rehabilitated.

All these people are hardworking, wretched and poor but have somehow all managed to raise families and lead a productive life, and they say they owe so much of it to this project.

The New Israeli Opera feels that by involving a community in the making of an opera production, the operatic medium, still unknown to large parts of the population it will be implanted and infused in such a way that these people will make opera part of their cultural menu.

We here at The New Israeli Opera believe that this year of intensive activities together with The Neve Eliezer Community has contributed not only to the formation of a true bond between all those involved but that it has turned the art of opera into an integral and meaningful part of the life of the residents and they, in turn, have become an integral and essential part of our daily life.

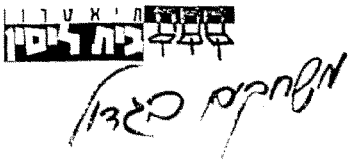
It is our dream and our goal to continue to perform this unique and unordinary production in front of as many additional audiences across Israel as possible.

Yours sincerely,

Yonit Weiss

Yonit Weiss
Director of Development

The Opera House - Tel Aviv Performing Arts Center, 28 Leonardo da Vinci St., P.O.B. 33321, Tel Aviv 61333, Israel
Management - Tel.: 03-6927805, Fax.: 03-6954886, Production - Tel.: 03-6927802, Fax.: 03-6966606
Telephones - Operator: 03-6927707, Sales & Subscriptions: 03-6927777
www.israel-opera.co.il / e-mail: opera@mail.israel-opera.co.il



Monday 27 November 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne, Switzerland

Dear Mr. Rich,

On the occasion of the 20th year of activities of the Doron and Rich Foundation in Israel and the Diaspora, I would like to express our gratitude for their generous contribution and assistance throughout the years, in the enhancing of educational and cultural projects of educational institutions, theaters, schools and others in Israel.

The many contributions of your Foundations to the cultural life in Israel and its heterogeneous population – ranging from new immigrants to school children – with the emphasis on educating citizens to become lovers of art and culture, as well as to developing their esthetic values, have enriched and led to greater variation in the quality of the arts and culture in Israel.

We hope that the scope of activities of your Foundations will be expanded even more and continue to enrich the cultural world of tomorrow.

We deeply thank you personally, for your noble, unostentatious generosity.

Respectfully yours,

Tzipi Pines
Theater Director

SEIT LESSIN THEATRE 34 Weizman st. Tel Aviv 62091 Tel. 03-6941222 Fax. 03-6919349 ● 03-6919349 טל"פ 03-6941222 ת"ד 62091 רח' ויצמן 34 תל אביב

יידישפיל

ע.ר. 58-011-651-5
Mr. Marc Rich
Chairman of the Board
The Rich Foundation
Lucerne, Switzerland

28 November, 2000

Dear Mr. Rich,

The Yiddish theater in Israel, "Yiddishpiel", was founded thirteen years ago with the goal of cultivating and expanding the cultural wealth, greatness and importance of Yiddish theater. We thank The Rich Foundation for their decision in 1999 to add us to their list of many cultural institutions who benefit from this foundation.

In the course of the years of activity of the "Yiddishpiel" Theater, we succeeded in gathering around us a company of young producers and actors, some of whom are native born Israelis and some of whom come from the Confederation of Independent States (former Soviet Union) that represents a very active source of artistic quality and a high level of professionalism, with the goal of returning to Yiddish its folk charm and glory, and thus preserving the contact of thousands of speakers and lovers of Yiddish in Israel and throughout the world.

Within the framework of its varied activities, the theater developed some unique projects amongst which are:

1. Chamber performances in Senior Citizen and Old-age homes which earned us the Chlore Foundation prize for the Jubilee Year celebration of the State of Israel.

2. Making the "Yiddishpiel" Theater available to Jewish communities throughout the world, especially in Central and Eastern Europe and to the Confederation of Independent States.

Thanks to the Rich Foundation, we went on the road for two weeks with our show "Gut Yom Tov Yiddish" to eight cities in the Ukraine. Bringing the theater in the "Mama loshen" language to thousands of Jews thirsting for the beautiful tone of the language with its Jewish humor and wisdom was a breath of fresh air that brought back memories and longings. Every performance ended with loud calls begging us to come back a second time.

So, too, was the Yiddish culture festival in Budapest, in which we participated.

Thanks to the contributions of the Foundation we were able to plan projects that we chose for ourselves in the coming years.

With the support of the Foundation you helped us fulfill our national cultural mission whose primary task is to continue to preserve and spread our Jewish national culture.

Thank you and be well, and in the name of the theater management, its players, creators and workers, yours very truly,

Shmuel Atzmon
Artistic and General Manager

THE YIDDISH THEATER IN ISRAEL ✹ דער ייִדישער טעאטער אין ישראל ✹ התיאטרון היהודי בישראל

28, Bialik St. Tel-Aviv 63324, Tel: 03-5254660, Fax: 03-5254659 רח' ביאליק 28 תל-אביב 63324 טל. 03-5254660, פקס. 03-5254659

GUTMAN
מוזיאון
נחום גוטמן
MUSEUM

Tel-Aviv, January 9, 2000

Mr. Avner Azulay
Executive Director
The Rich Foundation
For Education, Culture & Welfare
Tel-Aviv

Dear Mr. Azulay,

It is with heartfelt thanks that I acknowledge your more than generous offer to support the Gutman Museum for the next three years. Certainly, your unwavering personal help stands behind the decision of the Foundation to extend their support to the Gutman Museum. This allows us to continue developing our educational department and ultimately reach all schools in Israel.
We will do our best to be worthy of your generous support.
Please extend our sincere gratitude to the Rich Family.
We would be honored to host them during their next visit to Israel.
With gratitude,

Sincerely,
Y. Dagon
Yoav Dagon
Museum Director

רח' רוקח 21, נוה-צדק, תל-אביב, 65148 טל' 5108554, 03-5161970 פקס: 03-5161981
21 Rokah Str. Neve-Tsedek, Tel-Aviv, 65148 Israel. Tel. 03-5161970, 5108554 Fax 972-3-5161981

הסינפונייטה
הישראלית באר-שבע
The Israel Sinfonietta Beer-Sheva

יועץ מוסיקלי:
ארי קלאס
מנצח עמית:
מנחם נבנהויז
מנהל הסינפונייטה:
מישה גרוס
Musical Adviser:
Eri Klas
Associate Conductor:
Menahem Nebenhaus
Managing Director:
Misha Gross

January 20, 2000

Mr. Avner Azulay
Managing Director
The Rich Foundation
4, Weizmann St.
Tel Aviv

Dear Mr. Azulay,

The Israel Sinfonietta confirms with appreciation and gratitude your notice regarding the generous grant of the Rich Foundation in the sum of $90,000 , for our project of Musical Education for Youth for the years 2000-2003 (file No. 2042).

On behalf of the Sinfonietta's management, the Orchestra and ourselves, we wish to express our deep appreciation to you and to all the people of the Rich Foundation, on their outstanding work for youth in the Negev, which nourishes and enhances education and culture.

We thank you for your friendship and for your trust in us.

Enclosed please find the agreement and the required details, as well as the concert program including a notice of gratitude to the Rich Foundation.

Yours sincerely,

Misha Gross
Managing Director

Y. Benjamin

Yardena Benjamin
Sinfonietta Development Fund

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פקס: 07-6235412
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84160, ISRAEL
TEL: 972-7-6231616
FAX: 972-7-6235412

E-mail: herz_mus@netvision.net.il 09-9500043 :פקס 09-9551011 :טל 46379 הרצליה, רח' הבנים 4
4 Habanim St. Herzliya 46379 Israel Tel: 972 9-9551011 Fax: 972 9 9500043

מוזיאון הרצליה לאמנות
Herzliya Museum of Art

To: Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture an Welfare
Lucerne, Switzerland

November 26, 2000

Dear Mr. Rich,

The Herzliya Museum of Art exhibits contemporary art, by Israeli as well as international artists. It is characterized by a dynamic approach to the current world of culture and art, giving up-to-date and diverse expression to painting, sculpture, video, installation, photography and architecture.

Among its many goals, the museum aims to familiarizes the community with contemporary art, as well as to encourage young artists and build up the new generation of Israeli artists.

During the year 2000 a new wing opened its doors at the Herzliya Museum of Art, including an up-to-date youth department with four workshops.

Approximately 15,000 students a year visit *Muza*, the museum's educational department, acquainting them with direct, clear manner contemporary art which enables them to create a dialogue within their own world of concepts – the electronic media.

In order to equip the workshops with the most advanced equipment, we have approached the Rich Foundation, which has generously supported our request and has enabled us to fulfill our wishes.

Thanks to the Rich Foundation our workshops are now equipped with the most advanced equipment, which enables us to give the young generation the utmost conditions for their inconstant necessities.

Our ceramics workshop is equipped with the newest ceramic stove, the photography workshop with a compact lab, the creation workshop with unique furniture and the video workshop with digital cameras and *Macintosh* computers for video editing.

Muza's educational program is divided into several stages, and therefore every year, thanks to the Rich Foundation, we manage to enrich our art programs as well as our different community activities, which enables us to reach to more and more residents and to commingle them with the Museum's activities.

Yours sincerely,

Dalia Levin
Museum Director

November 29, 2000

Mr Marc Rich
Chairman of the Board
The Rich Foundation
Zug, Switzerland

Dear Mr. Rich,

Four years ago I applied to the Rich Foundation for support for a project researching the very special phenomenon of cultural resistance in Theresienstadt concentration camp during the WW2 through the vast series of lectures organized by the Jewish intellectuals imprisoned there. The idea was to develop the subject for discussion in conferences and dissemination of the research results in publications.

The intensive work during the three years of support of the Rich Foundation has resulted in seminars and conferences in England, Germany and Israel. This year the work culminated in the publication, in English, of a major book of 472 pages, titled "University Over the Abyss". The book is now being translated for publication in Germany, The Czech Republic and Russia. There have been numerous articles published in Israel and abroad based on the research and Macmillan Publishing will include a chapter, based on this research, in a major book next year.

Without the initial and continuing support of the Rich Foundation, this project simply would not have come to fruition. For not only did the Rich Foundation give support for three years, but because of that support other institutions gave significant grants as well.

I send to you my heartfelt thanks and the thanks of all those whose memory has been preserved through your support.

Sincerely yours,

Lena Makarova

מוזיאון ישראל, ירושלים
the israel museum, jerusalem
متحف اسرائيل، اورشليم القدس

James S. Snyder
Anne and Jerome Fisher Director

26 November 2000

Mr Avner Azulay
The Rich Foundation for Education, Culture, and Welfare
Tel Aviv Offices
Tel Aviv
Israel

Via telefax: 03-695-4376

Dear Avner

I have just returned from Zurich, where I had the opportunity to visit with Marc Rich, and I am writing to report on that visit and to reflect on the remarkable depth of Marc's contribution to philanthropy and on his continuing interest in the Israel Museum and in Israel.

First, and particularly under the circumstances of the present times, I want to make note of the extent of his ongoing contributions to our Museum. From his first gift in 1986 for the creation of our new wing for Jewish Ceremonial Art, to his current participation in our new Director's Circle of patrons who support the Museum with generous annual gifts for unrestricted purposes, he continues to show a sustained interest in the Museum's well-being. His gifts to this recent initiative have helped to assure that our Youth Wing can continue its work, more essential now than ever, using art and art education in creative ways to integrate Israel's disparate communities of Jews, Arabs, and Christians.

Beyond our own Museum, and elsewhere in Israel, I continue to be impressed to see how his philanthropy reaches throughout the arts here, for the benefit of the Tel Aviv Museum and of other institutions which bring theater, dance, and performance to the Israeli public. I know that the Doron Foundation has just received, for the second year, the Alma Award for exemplary philanthropy in the arts, and this is an excellent testament to Marc's initiatives.

I have also had the opportunity first-hand to participate in conferences sponsored by the Foundation, which work to explore such fundamental issues in the world Jewish community as cultural identity in the 21st century. And again, these are issues, and this is support, which could not be more timely in the current situation in the Middle East and in a way that can affect beneficially the standing and attitudes of the Jewish communities of the Diaspora.

p.o.b. 71117, jerusalem 91110
tel 972-2-670-8601, fax 972-2-670-8640, e-mail snyder@imj.org.il

Last Sunday, when I sat for several hours with Marc, I was gratified to see the extent of his continuing interest in the issues of the moment in Israel and in how these issues are affecting the Israel Museum and the rest of the cultural community here. I know that his own business and personal preoccupations could easily override concerns for art and culture, for Israel, and for the world's Jewish community, and yet these subjects were the substance of our conversation. In a complex world environment in which it is very easy for people to put aside issues beyond their own concerns and to side-step the opportunity to rise to the challenge of exemplary philanthropy, Marc does not do so, and we at the Museum are deeply appreciative.

With warm regards.

Sincerely,

James S. Snyder
Director

Janco Dada Museum
ANCO-DADA MUSEUM, EIN-HOD, D.N. HOF HACARMEL 30890, ISRAEL, TEL. 04-9842350, TEL. FAX 04-9843152

June 30, 1999

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
POB 33622
Tel Aviv 61336

Dear Mr. Rich,

The Board of Directors and I wish to express our gratitude to you and the Rich foundation for your generous contribution to the development of the museum's youth wing. We appreciate your dedication to the cause of education of children and youngsters in Israel about art appreciation.

We will use the allocation for the physical construction of the building and for the design and construction of the interior of the Dadalab and of a workshop. The Dadalab is the only art laboratory in Israel, and in the workshop students will try out a variety of diverse artistic techniques, and will enact the work methods of the Dada artists. The allocation will also be used for the development of various preparatory and educational programs, combining experience and creativity that are so characteristic of the museum and the artists' village.

Yours very truly,
Raya Zommer
Museum Director

מכללות ובתי ספר לטכנולוגיה מתקדמת ולמדעים
Colleges & Schools for Advanced Technologies & Sciences

DIRECTOR GENERAL

המנהל הכללי

Mr. Marc Rich
The Rich Foundation
Asia House
Weizmann Street
POB 33622, Tel Aviv 61336

Tel-Aviv, November 28th, 2000

Dear Mr. Rich,

On behalf of the management of Ort Israel and of tens of thousand of Ort students and myself, please accept our sincerest thanks and gratitude for the Rich and Doron Foundation's support extended to Ort Israel, for almost two decades. Ort's schools and colleges are spread all over Israel, from Hatzor in the Galilee to Yeruham in the Negev.

The contribution granted by the Rich and Doron Foundation enabled us to develop curricular modules for the virtual-internet school, operating in all Ort institutions. Thanks to the modules and to the virtual "Aviv" school, students in periphery too benefit, due to the lack of experienced teachers and trainers in these areas. We are already witnessing a significant improvement in the computer literacy of students, which will surely bring them to the forefront of the Israeli economy and society. In addition to the above, your contribution has also been used for scholarships for needy students, among the Arab students too.

Again, please accept my deep appreciation and thanks for the support extended to Ort Israel, and for the support granted to many other social and cultural institutions and activities in Israel.

We would like very much to have you as our guest, and have the opportunity to show you some of our achievements - schools, colleges and our R&D Center.

Looking forward to meeting with you,

Best regards.

Haim Ben-Ami, Adv.
Director General

Hba-nch

Bgu
Ben-Gurion University of the Negev
The University celebrates its 40th Anniversary

Office of the President

Avishay Braverman

Tel. 972-7-646-1211/9, 972-7-6233574/341, Fax: 972-7-647-2991, e-mail: avishay@bgumail.bgu.ac.il

November 19, 2000

Mr. Avner Azulay
Director General
Rich Foundation
Asia House
4 Weizmann Street
Tel Aviv 64239

Dear Avner,

I would like to express my profound appreciation and best wishes on this joyous occasion of the 20th Anniversary of the charitable activities of the Rich Foundation.

The Rich Foundation has provided great support to Ben-Gurion University of the Negev over the past twenty years. The Foundation's support has covered such diverse areas as our community action programs, funds for immigrant scientists, medical research projects, the pre-academic program, the graduate program in Public Administration, and our burgeoning School of Management.

We are grateful to the Rich Foundation for its generosity and dedication to our University throughout the years. The Foundation is a shining example in our quest to make the Negev a focal point of transformation for Israel. Together we strive towards progress and development in order to ensure a better future for our students, for all the residents of the Negev and for the State of Israel.

In partnership,

Avishay Braverman

Prof. Avishay Braverman
President

Bgu
Ben-Gurion University of the Negev
The University celebrates its 30th Anniversary

e-mail: avishay@bgumail.bgu.ac.il • 07-6472991 .מק .07-6233574/341 .07-6461211/9 :'מל

November 7, 1999 אבישי ברוו לשכת הנשיא

Rich Foundation
c/o Mr. Avner Azulai
Director General, Doron Foundation
Asia House
4 Weizmann Street
Tel Aviv 64239

Dear Avner,

I wish to thank the Rich Foundation and you as its representative, for the first payment of $30,000, towards the **Rich Foundation Executive Program – MA in Public Administration and Policy** (Your file No. 1072).

We are currently on the threshold of Ben-Gurion University's 30th anniversary, to be marked by us through festive events, academic conferences, ceremonies and exhibits, beginning on David Ben-Gurion Memorial Day, November 15th 1999 and ending on the same auspicious event at the end of the year 2000.

Launching new study programs, such as the Rich Foundation's Program, epitomizes the momentum of progress that we are experiencing and reflects the role our University plays in the advancement of the population, and its significance to the region and its communities.

We are grateful for the Rich Foundation's assistance in fulfilling our objectives and in promoting our spearheading the development of Israel's South. We very much welcome our partnership.

In friendship,

Avishay Braverman

Prof. Avishay Braverman
President

THE INTERDISCIPLINARY CENTER HERZLIYA
OFFICE OF THE PRESIDENT

November 29, 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation
Lucern, Switzerland

Dear Mr. Rich,

The letter is to express our gratitude and appreciation for your continued support of IDC.

IDC is the first private not for profit university in Israel. It was founded by a group of scholars who left tenured positions at leading universities in Israel and the United States to build a pioneering academic institution. With no government support the founders embarked on their mission, turning an abandoned military base in Herzliya into a vibrant campus. Our goals were ambitious. We hoped to establish an International University, building academic bridges between Israelis and Arabs, and attracting young people who want to study in Israel. The curriculum was designed from the outset to prepare our students to assume a role of leadership in the global information era.

Seven years later IDC is considered a premier academic institution in Israel and abroad. To a large extent we have been able to implement our ideas thanks to a small group of dedicated people who support the institution.

When we met at the inauguration of the Rich Center for the Study of Trading and Financial Markets, I discovered that you and I share a similar vision. We both agreed that today's education should be interdisciplinary, providing a global view and emphasizing information technology. I was likewise pleased to learn that we are both great believers in individual will power and kindness. You mentioned the importance of creating a united learning community by having students working together in close partnership with the faculty. I liked your observation about the importance of stimulating the students to develop their own leadership and entrepreneurship and at the same time guiding them towards ethical behavior and personal morality. Knowing about your past activities of helping so many human causes it came as no surprise to me that you demonstrated genuine interest in our activities providing private lessons to children from poor families helping them to pass their matriculation exams and obtain a chance to reach higher education. Indeed, throughout your long years of giving to worthwhile charitable institutions you have demonstrated the ideal combination of a person who succeeded in the business world due to his creativity and hard labor, and yet never forgot his social commitment and concern for fellow human beings.

I consider myself privileged to continue working with you on developing an educational system that will serve the future of our students and of society at large.

Sincerely yours,

Uriel Reich

Prof. Uriel Reichman
President

KANFEI NESHARIM ST. HERZLIYA ■ P.O.B. 167 HERZLIYA 46150 ISRAEL ■ TEL. 972-9-9527201 ■ FAX. 972 9 9563616

קרן היסוד – המגבית המאוחדת לישראל
Keren Hayesod - United Israel Appeal

יושב ראש עולמי
The World Chairman

29th November, 2000

Dear Marc,

I have received, through your representative in Israel, Mr. Avner Azulay, a letter informing us that the Rich Foundation has selected two projects of Keren Hayesod as interesting proposals to be included in your 2001 Budget Allocation, which shall be presented at your upcoming Board Meeting.

I wish to take this opportunity to thank the Rich Foundation and to thank you very much for the attitude you have always shown towards the State of Israel and the Jewish people.

I have known you now for many years and I have always admired your generous dedication and your philanthropic approach, especially to the needy in Israel and those living in its peripheral areas.

I was happy to have been able to host you during your visit to Israel and I hope that you will come again soon so that we will be able to discuss other projects which might be of interest to you and your Foundation.

I wish you all the best and I send you my kindest regards.

Sincerely yours,

Avi PAZNER

Mr. Marc RICH
Chairman of the Board
Rich Foundation
Zug, Switzerland
Fax: 03-695-4376

הלשכה הראשית: ת.ד. 7583, ירושלים 91074 טל. 6701810 (02), פקס 6701909 (02)
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e-mail: pazner@kh-uia.org.il Internet:www.kh-uia.org.il

The Council for a Beautiful Israel

Association
office of the
international friends
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(Havarkon Park)
80 Rokach Boulevard
P.O.B. 53325,
Tel Aviv 61532, Israel
Tel. 972-3-6423111
Fax 972-3-6422839

November 28, 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne
Switzerland

Dear Mr. Rich

It gives me much personal pleasure to express my appreciation for the wonderful work being done by you and both the Doron and Rich Foundations is so many areas of life in Israel, which are close to my heart.

In my many visits around the country, especially in my capacity as the wife of the Sixth President of Israel, I encountered exciting and moving projects that were supported by you: a village for minimal brain damaged young adults, special projects for ensuring future employment for the handicapped, educational projects of great value, not to mention your enormous contribution to the cultural life in Israel.

As the International President of the Council for Beautiful Israel, which is about to celebrate its 30th Anniversary, I feel now is the time to thank our loyal supporters. The Knesset will be holding a special session on this occasion next month and at this time, I would like to stress how greatly we value your involvement in projects that lead the way to the upgrading of the quality of life in Israel. We ourselves have received very positive feedback from the pilots we established together – the establishment of special hothouses in a school for the handicapped in Rehovot and the innovative Horticultural Therapy Project at the Rambam Hospital in Haifa, which represent your caring for the special underprivileged sectors of society.

It is the dedication to those less fortunate in our society that demonstrates true charity work. I hope we will have the good fortune to continue our collaboration in such important and heartwarming projects and educational ones in the future.

I wish you personally all the best and hope to see you again soon.

Sincerely yours,

Aura Herzog

Aura Herzog
International President

סיוע ללא גבולות
AID WITHOUT BORDERS
Israeli Voluntary Humanitarian Organization
مساعدات بدون حدود

P.O. Box 7255 Jerusalem 91071 Israel Telefax. 972-2-5638375
(registered association 58-032-559-5) (Israeli bank account # 12-782-189990)

Jerusalem, November 27, 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture and Welfare
Lucerne, Switzerland

Dear Mr. Rich, Shalom,

There are no words to express our thanks to you and to the foundation board both in Switzerland and in Israel. For us, at **AID WITHOUT BORDERS (AWB)**, it's very simple: without you, we would not exist and could not have saved so many lives, especially those of children.

Your generous support for our 1998 nation-wide traveling photo exhibition, **"tears in the green - the Rwandan tragedy three years later"**, laid the foundations for the creation of **AID WITHOUT BORDERS** - the first of its kind - **Israeli Voluntary Humanitarian Organization**, aimed at long-term developmental projects in the most troubled regions of our planet.

After its creation in May 1998, on the 50th anniversary for the State of Israel, and its acknowledgment as a non-profit organization in June 1998, AWB went into its first action abroad during the Kosovo refugee crisis. Thanks to a second, even greater contribution, from the Rich Foundation, we managed to stay in Kosovo for over a year, faithful to our commitment for long-term assistance missions.

Lately, on the base of our experience in Kosovo and the contribution of our volunteer experts, we have begun work on an even more ambitious project, promoting Public Health Awareness among children in Angola, one of Africa's most troubled nations.

We are very proud to be part of the Rich Foundation's activities in Israel, really contributing to the great growing change in Israel society.

We are humbled by receiving your persistent support and contributions over the past two years, and wish to thank you personally for your trust in us and for the great work done on your behalf by Avner, Michal, Sara and the other staff members of your Tel Aviv branch.

With Sincere Regards.

Erez T. Yanuv
AID WITHOUT BORDERS
[redacted]

סיוע הומניטרי ישראלי

LATET -Israeli Humanitarian Aid

November 26, 2000

Mr. Marc Rich
Chairman
The Rich Foundation.
Asia House.
4 Weizmann Street.
Tel-Aviv 64239.

Dear Mr. Rich.

Latet-Israel Humanitarian Aid Organization wishes to cite its appreciation for the constant generosity displayed to our organization by the Rich Foundation.

The projects supported by the Rich Foundation include the Latet National Food Bank Drive which attempts to combat poverty and hunger as well as raise public awareness of poverty in Israel. Food is collected and distributed to 20,000 people living below the poverty line throughout Israel.

The Rich Foundation also contributed to the aid distributed by the Latet Organization to the South Lebanese Army refugees. Over 6000 SLA refugees received parcels containing food and personal hygiene items. Various outings and activities were also arranged by the Latet organization for the refugees.

The Latet Organization's aid program to the Kosovo refugees was also supported in part by the Rich Foundation. Over 30,000 refugees received substantial aid.

The existence of a fund such as The Rich Foundation is an important source of support for our organization. Without this support, the number and the extent of the projects undertaken would not have been possible and fewer numbers of needy people would have received the aid they so desperately required.

We are much appreciated of your personal involvement and commitment for education and welfare in Israel and abroad.

Yours sincerely,

Gilles Darmon
Chairman

Ehad Aham 118 St. Tel-Aviv, 65208, P.O.Box 11724, Tel Aviv 61116
Tel: (972) 3- 6869649 Fax: (972) 3- 6859375 E-mail: latet@inter net.il
Registered No. 58-029-494-0 Bank Account No. 012-502-249595

SACRED HEART UNIVERSITY

November 27, 2000

Mr. Marc Rich
Villa Rose
Kleinaumatt 9
6045 Meggen
Switzerland

Dear Mr. Rich:

I wish to express my deepest appreciation for your on-going support for our program of Christian-Jewish understanding.

Your generous and kind contributions have enabled us to increase our conferences and publications that embody the philosophy of harmony and cooperation between various religious groups. This philosophy is the backdrop of our theme: "World peace is the ultimate goal we must work toward. We cannot have world peace without religious peace. We cannot have religious peace without religious dialogue."

Your interest, loyalty and support encourage us in pursuing the arduous task of inter-religious dialogue, which seems to become more and more so every day.

Please be assured of my best wishes for continued success, and, again – many thanks!

Sincerely,

Anthony J. Cernera, Ph.D.
President

AJC/gd

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TEL (203) 371-7900 • FAX (203) 365-7652

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Madrid, 23 November, 2000

Mr. Avner Azulay
Managing Director
The Rich Foundation
For Education, Culture & Welfare
Asia House, 4 Weizman Street
TEL AVIV 64239
Israel

Fax #: 972-3-695 4376

Dear Mr. Azulay

I wish to express to you and The Rich Foundation my heartfelt thanks for your generous donation of $20,000 to the humanitarian aid program which H.R.H. Crown Princess Katherine of Yugoslavia is currently carrying out to assist Her country to recover from the terrible ethnic strife which Yugoslavia has suffered over the past decade.

We are cooperating with Crown Princess Katherine of Yugoslavia's ***Lifeline Foundation*** in the relief effort described in my letter to you of 16 November, 2000. We shall keep you duly informed of the evolution of these activities, which we shall be able to pursue thanks to the solidarity of The Rich Foundation with the Yugoslave nation. Kindly convey our profound thanks to Mr. Mark Rich.

With our deep appreciation for your generosity, and my kindest personal regards,

Yours sincerely

Irene de Grèce

Irene, Princess of Greece
President

Oxford Centre for Hebrew and Jewish Studies

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Oxford OX5 1PY
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fax: 01865 375079
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FROM THE PRESIDENT
EXT 101

Our ref: PMO/TN

30 November 2000

Marc Rich Esq
Chairman of the Board
The Rich Foundation
Baaerstrasse 53
PO Box 4457
CH-6304 Zug
Switzerland

Dear Mr. Rich,

Allow me to take this opportunity to acknowledge the critical support you have provided over the past decade in making the Oxford Centre a leading institution for Hebrew and Jewish studies.

We were most honoured to be one of the few projects selected to commemorate the memory of your daughter Gabrielle. Given that Oxford played an important role in her studies, the Gabrielle Rich Reading Room in the Centre's Library is a particularly meaningful memorial.

Whether it has been lectureships, fellowships, scholarships or the renovation and upgrading of our library, you have been there to meet our needs at critical phases of our development.

The Oxford Centre is indeed grateful for your continued partnership in our endeavours.

Yours most sincerely,
Peter Oppenheimer

Peter Oppenheimer

ŽIDOVSKÉ MUZEUM PRAHA

ŘEDITEL MUZEA
DIRECTOR OF JEWISH MUSEUM IN PRAGUE

TO WHOM IT MAY CONCERN

The Rich Foundation for Education, Culture & Welfare, and especially its Chairman of the Board Mr. Marc Rich, contributed in a remarkable way to the establishment of the Jewish Museum in Prague as an independent Jewish institution. It was Mr. Rich, who after the ruin of the communist regime in Czechoslovakia understood as one of the firsts the importance of the Prague collections for the whole of the modern Jewish heritage and who supported in various ways the transformation of our museum in a modern Jewish cultural institution. We would like to express our extreme gratefulness for the evaluation of the computer system, for the intensive support in the founding period of our Educational and Cultural Center, in organizing professional symposiums on an international level, in establishing intensive mutual cooperation with other institutions like the Jerusalem Center for Jewish Art and a lot more.

Prague, November 23 2000

Leo Pavlát
Director of the Jewish Museum in Prague

JÁCHYMOVA 3, 110 01 PRAHA 1
TEL. 23 27 257, FAX 23 10 681

École GANÉNOU

[redacted]

ref: project file 2016
Title: integrating handicapped children in the school and choir support.

the 21st of November 2000

Dear Avner,

Here included are three documents.
The copy of the "Compagnie financiere Edmond de Rothschild's" transfer of your grant to the school's account.
My gratitude is always reborn and I feel highly privileged for your support of Ganenou's special projects.

A letter written by former parents after discovering in the "Monde" the attached article on "Misgav". It so happens that the direction of "the Misgav Galil school," Tami Dubai is the best friend of Raya Kalisman the founder of the center for numeristic studies.
these two women, in a critically sensitive field go on with their work, inventing as conflicts arouse, the attitude that diffuses the tensions. If you have not already met Raya, I cannot imagine you would not draw great interest and satisfaction out of the meeting with her.

Haakefoot.

École Ganénou

I know your time table is full, but I hope you keep a meeting with Raya in a corner of your mind. The third document is the leaflet of her center. Please do not feel I am interfering I just remember your curiosity for innovative initiatives.

Yours ever so sincerely
with warm regards,
Beatrice Rosenberg

EMBAJADA DE ISRAEL

שגרירות ישראל

November 14, 2000

Avner Azulay
Managing Director
The Rich Foundation
4 Weizman Street, Asia House
Tel Aviv 64239
Israel

Dear Mr. Azulay,

I have the great pleasure of informing you that the Kibbutz Contemporary Dance Company was a resounding success on November 4th and 5th at the Festival Sur near Madrid. More than 700 people attended each night's performance, and the reviews in the media were lavish in their praise.

While the contribution of the Kibbutz Contemporary Dance Company to Israel's cultural outreach activities was of great value, this was especially so considering the current situation in which Israel finds itself these days. The Kibbutz Contemporary Dance Company was a tremendous boost to the morale in these difficult times and, moreover, enhanced the positive message that Israel seeks to convey.

Without the invaluable assistance of the Rich Foundation, the participation of the Kibbutz Contemporary Dance Company would not have been possible. Therefore, please accept our heartfelt appreciation for your efforts: the results were fantastic.

Cordially,

Eyal Sela
Counselor for Cultural Affairs

VELÁZQUEZ, 150 - 28002 MADRID - TEL. 91 411 13 57 - FAX 91 564 59 74
http://www.embajada-israel.es - e-mail: embajada@embajada-israel.es

CANCER SUPPORT SERVICE Information 0171 613 2121 Freephone 0808 800 1234
CancerBACUP Scotland 0141 553 1553
WEBSITE www.cancerbacup.org.uk

cancerBACUP
Helping people live with cancer

3 Bath Place
Rivington Street
London EC2A 3DR

TELEPHONE
0171 696 9003
FAX
0171 696 9002

24 November 2000

Marc Rich
The Rich Foundation
Asia House
4 Weizmann Street
Tel Aviv 64239
Israel

Dear Mr Rich

I understand from Avner Azulay that you are in the process of putting together a booklet setting out the Rich Foundation's work over the past 20 years and I am very pleased, therefore, to write and acknowledge the importance and significance of the Foundation's contribution to CancerBACUP and the project of a Global Cancer Information System.

CancerBACUP's proposed Global Cancer Information Service project incorporates an electronic internet based system for answering detailed and individual questions from cancer patients and their families. There is a considerable body of research evidence that individualised information, tailored to the needs of the patient and carer, enhances their understanding which, in turn, can help them cope better with their disease. It is also clear that there is a large unmet demand for information about cancers and their treatments. The internet offers a mechanism to provide information on a wide scale and changing technology means that it will be become available on different systems, potentially making it more accessible to groups who currently do not access it.

The proposed Global Cancer Information System, therefore, has great potential to provide information in a tailored way and to reach, hitherto, under-served groups (as the internet becomes more accessible and more widely used). The project will provide unique individualised information for cancer patients and will eventually cover many, if not most questions that would be asked. CancerBACUP is uniquely well-suited to carry out such a project due to its extensive track record of delivering high quality information to cancer patients and carers.

The Rich Foundation made a significant contribution to CancerBACUP in funding the study. I know of nothing else that even closely approximates the breadth and ambition of this project. The Rich Foundation was the first to invest in this project to allow us to bring this project to reality, for which we are extremely grateful.

Yours sincerely

Dr Maurice L Slevin MD FRCP
Consultant Medical Oncologist and Chairman of CancerBACUP

PATRON HRH Princess Alexandra CHIEF EXECUTIVE Jean Mossman FOUNDED BY Dr Vicky Clement-Jones FRCP

האגודה למלחמה בסרטן בישראל ע"ר
ISRAEL CANCER ASSOCIATION

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State of Israel

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President:
Mr. Benjamin D. Gaon

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מנכ"ל
גב' מ. זיו
Director General
Mrs. M. Ziv

האגודה לסלמסה בסרטן בישראל
-זוכה אות הנשיא למתנדב
לשנת ה-50 למדינה

אות הנשיא למתנדב התשנ"ח

28 November, 2000

Mr. Marc Rich
Chairman of the Board
The Rich Foundation for Education, Culture & Welfare
Lucerne
Switzerland

Dear Mr. Rich,

On behalf of the *Israel Cancer Association* and myself I wish to take this opportunity to express our sincere thanks and gratitude to you and to the *Rich Foundation* for all of your continuing support.

We are especially grateful for the Foundation's support of the leukemia research work being carried out in a number of the medical centers here in the country. The wide scope and amount of this grant is certainly unusual for Israel. Without a doubt it has the power to significantly promote research in this important area in Israel and for this we are most appreciative.

The aid that you provided to the Cancer Information Resource Center here at the *Israel Cancer Association* is felt every day. The resource center is an integral part of our Information and Education Department and with your generous support we are able to remain continually updated and in doing so provide an important service to cancer patients and the general public throughout the country – by providing essential information that can save lives.

We are also quite familiar with the Foundation's support of the fight against cancer worldwide, for instance your support of "Cancer Bacup" and research institutes in the United States. As cancer is a disease that knows no territorial boundaries, it is essential to promote the fight on an international level and for your contribution to the cause you are to be saluted and praised.

כל הכתובות מופיעות בגוף המכתב ולכן מוצע להשמיט
Head Office: Beit Mati - In Memory of Matilde Recanati מטה ראשי: בית מטי - לזכרה של מטילדה רקנאטי
1 Revivim St. Givatayim, P.O.B. 437, Zip Code 53103 Tel. (972)3-5721616 Fax. (972)3-5719578

ISRAEL CANCER ASSOCIATION

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Director General
Mrs. M. Ziv

האגודה למלחמה בסרטן בישראל
-זוכה אות הנשיא למתנדב
לשנת ה-50 למדינה

אות הנשיא למתנדב התשנ"ח

As the *Israel Cancer Association's* means are derived exclusively from public contributions with no assistance from government funds, all support received is evermore crucial. For this reason I wish to stress how very important your aid is to us. Without the help of generous contributors such as you, we would be unable to carry out all of our vital activities for the benefit of cancer patients and their families.

Your support of our association is greatly appreciated - touching the hearts of all those participating in the battle and motivating us all to continue in the fight against cancer.

Sincerely,

Mira Ziv
Director General

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Head Office: Beit Mati - In Memory of Matilde Recanati משרד ראשי: בית מטי - לזכרה של מטילדה רקנאטי דל
רח' רביבים 7 תד 437 גבעתיים, מיקוד 53103, טל 03-5721616, פקס 03-5719578
7 Revivim St. Givatayim, P.O.B. 437, Zip Code 53103 Tel. (972)3-5721616 Fax 972 3-5719578
http://www.cancer.org.il

Office of the President

January 27, 1998

Mr. Avner Azulay
The Rich Foundation
Asia House
4 Weizman Street
Tel Aviv 61336
ISRAEL

Dear Mr. Azulay:

I would like to thank you personally for the pledge of $505,000 from the Gabriella Rich Leukemia Fund of The Rich Foundation to Memorial Sloan-Kettering Cancer Center. This pledge will be used to support the research work of Dr. David Scheinberg.

Through gifts such as this, the Center can be assured of the important funding that makes possible the progress that all of us seek. What we accomplish together will touch the lives of many people affected by cancer.

Our goals can only be achieved through intensive efforts at the highest level of excellence in medicine and science. On behalf of everyone here at Memorial Sloan-Kettering, thank you again for joining us in this important work.

Sincerely,

Paul A. Marks, M.D.

January 27, 1998

Mr. Avner Azulay
The Rich Foundation
Asia House
4 Weizman Street
Tel Aviv 61336
ISRAEL

Dear Mr. Azulay:

Please accept our thanks for the kind pledge of $505,000 from the Gabriella Rich Leukemia Fund of The Rich Foundation to Memorial Sloan-Kettering Cancer Center. This pledge will be used to support the research work of Dr. David Scheinberg.

This generosity comes at a time when we feel enormous excitement regarding our programs of prevention, education, research, and patient care. Thanks to the vital support provided by private philanthropy, our scientists and clinicians are developing improved treatments to bring about higher survival rates, as well as a better quality of life for people living with cancer.

Our prospects for continued progress are bright indeed. Thank you again for this generous support.

Sincerely,

Robert G. Wilkens, Jr.
Vice President,
Development

RGW:dt
c: David Scheinberg, M.D., Ph.D.



FRED
HUTCHINSON CANCER
RESEARCH CENTER
FOUNDATION

August 15, 2000

The Rich Foundation
Asia House, 4 Weizman Street
Tel Aviv, 61336
ISRAEL

Dear The Rich Foundation friends,

As an expression of our gratitude for your generous support of the Fred Hutchinson Cancer Research Center, we are adding The Rich Foundation to our Lifetime Giving Wall in the lobby of the Thomas Building. The state-of-the-art building, which houses our clinical research division and some administrative offices, is named for Dr. E. Donnall Thomas, our renowned scientist who won the 1990 Nobel Prize in medicine for developing bone marrow transplantation as a cure for certain cancers.

Before installing the plaque, we would like to make sure that you are comfortable with receiving the recognition and that we have the correct wording and spelling of your name.

Please complete the attached form and return it by September 1, 2000. We would also appreciate it if you would take a moment to verify the contact information to ensure the accuracy of our records.

Please let us hear from you by September 1, 2000. If we do not, we will recognize you with the name as it appears on the attached Donor Recognition form.

If you have any questions, please call Suzanne Schindler or me at (206) 667-4440.

On behalf of our board, faculty and staff, *thank you* again for your generous support of our cutting-edge research in the war against cancer.

Sincerely,

Cliff Sandelin
Director of Foundation Relations

102

THE UNIVERSITY OF TEXAS
MD ANDERSON
CANCER CENTER

Office of the President

September 30, 1999

The Rich Foundation
Mr. Avner Azulay
Asia House, 4 Weizmann Street
P. O. Box 33622
Tel Aviv,
ISRAEL 61336

Dear Mr. Azulay:

On behalf of all who will benefit from your generosity, I am writing to thank you for your contribution to The University of Texas M. D. Anderson Cancer Center. Special gifts such as yours provide our patients comfort and support, while allowing our faculty to continue strong research programs.

M. D. Anderson has been ranked as one of the best hospitals in the country. We are proud of this status because it is a reflection of dedication to each of our patients. That dedication comes not only from faculty and staff, but also from partners such as you who truly make a difference. Again, thank you for your support.

Sincerely,

John Mendelsohn

John Mendelsohn, M.D.
President

JM/rb

PLEASE RETAIN FOR YOUR RECORDS

This information is provided to you in compliance with the Budget Reconciliation Act of 1993 and IRS Regulations.

No goods or services were given to the donor in exchange for the donation.

Gabrielle Rich Fund for Leukemia Research

Date: September 30, 1999 Receipt No: 152531001
Amount: $82,500.00 ID: 00350752

File 102

THE UNIVERSITY OF TEXAS
MD ANDERSON
CANCER CENTER

Office of the President

May 19, 2000

The Rich Foundation
Mr. Avner Azulay
Asia House, 4 Weizmann Street
Tel Aviv, ISREAL 61336

Dear Mr. Azulay:

The University of Texas M. D. Anderson Cancer Center extends heartfelt gratitude for the Rich Foundation's generous support. Your leadership and generosity allows M. D. Anderson to move toward a future which promises many advances in the fight against cancer.

The partnership of philanthropic leadership with medical and scientific leadership becomes more critical every year. Thank you for being at the forefront of the cancer challenge and for helping us to make cancer history.

Sincerely,

John Mendelsohn

John Mendelsohn, M.D.
President

JM/lkc

PLEASE RETAIN FOR YOUR RECORDS

This information is provided to you in compliance with the Budget Reconciliation Act of 1993 and IRS Regulations.

No goods or services were given to the donor in exchange for the donation.

Gabriella Rich Leukemia Fund

Date: March 24, 2000
Amount: $82,500.00

Receipt No: 185491001
ID: 350752

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Jonathan W. Kolker

EXECUTIVE VICE PRESIDENT
Michael Schneider

December 5, 2000

BY FAX, E-MAIL, & MESSENGER

Mr. Marc Rich
Chairman of the Board
The Rich Foundation
Asia House
4 Weizman St.
Tel Aviv 64239, Israel

Dear Mr. Rich,

The American Jewish Joint Distribution Committee, Inc. respectfully acknowledges the assistance provided by the Rich and Doron Foundations (Switzerland).

Over the past few years, we have received assistance for programming and research that has helped support a wide variety of programs and has benefited the population of Israel, as well as the Jewish population worldwide. The Foundation's support has helped further the following:

1. Programs for Jewish education and leadership development in the FSU, South America, and Europe

2. Programs for populations with special needs in Israel, among them:

   (a) programs for immigrant integration, employment and entrepreneurship

   (b) programs for children-at-risk and people with disabilities

3. Programs promoting Israeli-Palestinian cooperation, dialogue and development

JDC hopes that with the ongoing support of the Rich Foundation, we will be able to continue working together to meet the needs of disadvantaged populations, facilitate people to people dialogues, and enrich the lives of Jews around the globe.

Best wishes.

Sincerely,

Michael Schneider

Michael Schneider
Executive Vice-President

MS:tb

The Joint Distribution Committee receives its funds primarily from Americ an Jewry through the Jewish Federations of the United States and the United Jewish Communities. The JDC also receives funding from World Jewish Relief of Great Britain and UIA Federations Canada

האוניברסיטה העברית בירושלים
THE HEBREW UNIVERSITY OF JERUSALEM
الجامعة العبرية في اورشليم القدس

Faculty of Law
Harry S Truman Research Institute
for the Advancement of Peace
The Minerva Center for Human Rights

كلية الحقوق
معهد هاري س ترومان للابحاث وخدمة السلام
مركز مينربا لحقوق الانسان

הפקולטה למשפטים
המכון למחקר עייש הרי ס טרומן
למען קידום השלום
מרכז מינרבה לזכויות אדם

8 February 2000

The Authority for Research and Development
The Hebrew University of Jerusalem
Givat Ram
Jerusalem

To Whom It May Concern:

The grant received by the Minerva Center for Human Rights from the Rich Foundation of $50,000 will cover approximately 65% of the total cost of the project "A Human Rights Commission for Israel."

Sincerely,

Francine K. Hazan

Francine K. Hazan
Administrative Director

Paris, le 4 décembre 2000

Le Président

Chers amis,

En ce mois de décembre 2000, alors que nous préparons comme chaque année notre rapport d'activité, je voudrais vous exprimer au nom de l'Alliance israélite universelle notre immense gratitude pour l'appui qu'ont prodigué les Fondations Doron et Rich à nos activités.

Depuis douze ans déjà, les Fondations Doron et Rich nous ont accompagnés dans des projets audacieux qui ont été couronnés de succès et ont pu grâce à votre aide se développer par la suite de façon indépendante.

Ce fut tout d'abord la possibilité de donner naissance à notre département Créer-Didactique qui, jusqu'à aujourd'hui, a servi des centaines d'établissements scolaires à travers le monde, a publié plus de quatre cents documents dans une dizaine de langues.

Ont suivi un appui considérable pour la création d'une maison d'édition (Les éditions du Nadir) destinée au grand public ainsi qu'une aide à la mise en place d'un site Internet favorisant la diffusion de notre travail culturel et pédagogique à travers le monde.

Actuellement, c'est au soutien de la Fondation Doron/Rich que nous devons d'avoir entrepris un nouveau programme de promotion de la culture juive en Europe, programme qui en quelques mois a pu réunir autour de lui quelques unes des plus grandes personnalités du monde intellectuel juif européen et qui a d'ores et déjà obtenu l'aval et le soutien de la Commission européenne de Bruxelles.

Mr. **Avner AZULAY**
The'Rich Foundation
Asia House, 4 Weizmann Street
Tel Aviv 64239 – ISRAEL

Alliance israélite universelle
45, rue La Bruyère - 75009 Paris
Tél. : 01 53 32 88 55, Fax : 01 48 74 51 33
e-mail : info@aiu.org – http://www.aiu.org

Il est indéniable que si ces projets ont été parmi les plus prestigieux de l'Alliance, ce n'est certainement pas un hasard. Les processus de décision sous l'impulsion des responsables de ces fondations et en particulier de M. Mark Rich ont à chaque fois fait l'objet d'une étude attentive. C'est ainsi que vous n'avez retenu que des programmes qui, outre leur intérêt, paraissaient fiables, réalistes et par dessus tout aptes à servir le plus grand nombre.

L'esprit d'ouverture, de tolérance a été également l'un des critères requis par M. Mark Rich et son équipe et je pense que c'est la raison pour laquelle l'Alliance israélite universelle qui a toujours mis ces facteurs au centre de son action, a pu bénéficier d'un partenariat si intense avec les Fondations Doron et Rich.

J'ajouterai que rares sont les fondations qui, tout en contrôlant avec attention l'utilisation des subventions qu'elles octroient, accordent une telle confiance à ceux qu'elles aident, les laissant mener à bien dans les meilleures conditions possibles les programmes choisis.

Je ne crois pas qu'il est exagéré de dire que sans votre partenariat l'Alliance ne serait pas aujourd'hui ce qu'elle est. Très récemment encore, l'intérêt que vous avez bien voulu témoigner à notre nouveau projet de création d'un centre culturel européen à Paris nous a engagés à aller de l'avant et j'espère que ce sera pour nous une occasion supplémentaire de poursuivre cette belle aventure commune afin de promouvoir à travers le monde les valeurs d'un judaïsme ancré dans la tradition et ouvert sur le monde moderne.

Vous renouvelant tous nos remerciements, je vous prie de croire, Chers amis à l'assurance de mes sentiments les meilleurs.

Professeur Ady STEG

Alliance israélite universelle
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KESHET EILON קשת אילון
VIOLIN MASTERCOURSE כיתת אמן לכינור
Kibbutz Eilon, Western Galilee 22845 Israel • 22845 קיבוץ אילון, ד.נ. גליל מערבי
Tel 972-4-9858191 טל • Fax 972-4-9806756 פקס • E-mail keshet@eilon.com

October 24, 1999
Rich44

Mr. Marc Rich
Att. Mr. Avner Azulai
The Rich and Doron Foundations
4 Weizman Street
P.O. Box 33622
Tel Aviv 61336

Dear Mr. Rich,

Once again we are privileged to acknowledge receipt of the grant that the **Rich and Doron Foundations** have awarded to the **Keshet Eilon Violin Mastercourse** for 1999

Your support makes possible the development of a unique master-class program in Israel that the has grown from an experiment in immigrant absorption of young musicians to an important international training venue that attracts the most talented of budding virtuous and recognized master violinists from all parts of the world. Over 300 talented young musicians have taken part in the Keshet Eilon Mastercourse during the past decade, representing 34 countries, including Israel, with special emphasis on new immigrants. In the process, Keshet Eilon enhances the cultural life of Israel generally and the Galilee in particular, while reaching out to the world by attracting students from all countries who perfect their skills here while experiencing the life style of Kibbutz Eilon.

We are grateful for your sustained involvement in our project, and hope that the potential for growth and development demonstrated by the consistent increase in the number of applicants annually will bring about the realization of our goal of becoming a year-round music center.

The entire program was initiated some ten years ago on a modest basis with little funding. Our success over the years is attributable in no small measure to the volunteer spirit that has characterized Keshet Eilon activity and to the commitment of devoted supporters, of whom **the Rich and Doron Foundations** are outstanding examples, for which we are deeply grateful.

You may be interested in knowing that we have scheduled two benefit concerts for Keshet Eilon at this time. One will be held at the Conservatory of Geneva on October 26, 1999 with the participation of Maestro Mintz and Keshet Eilon Mastercourse graduates. The other will be held at Christie's in London on November 17, 1999, with the participation of the noted violinist Ida Haendel along with Mastercourse graduates. We know it's a bit late, but you are cordially invited to attend these concerts.

We would also be very glad to welcome you at our 2000 Mastercourse this summer, which will take place during July 28 – August 15. At that time we will be marking our first decade and are planning a series of special concerts.

Allow me once again to express our gratitude for your ongoing generosity and commitment.

Sincerely yours,

Gilad Sheba.

Gilad Sheba
Managing Director

Letters Addressed to the Honorable President William J. Clinton Expressing Support for the Pardon of Mr. Pincus Green

Letters Addressed to the Honorable President William J. Clinton
Expressing Support for the Pardon of Mr. Pincus Green

Robert D. Green	Son of Mr. Pincus Green
Sandra Mirriam Kohn	Daughter of Mr. Pincus Green
Sarah Freund	Daughter of Mr. Pincus Green
Moishe Green	Brother of Mr. Pincus Green
Solomon H. Green	Brother of Mr. Pincus Green
Pearl Fontek	Sister of Mr. Pincus Green
Isaac Querub Caro	President Israeli Community of Madrid

Robert D Green

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

Dear Mr. President

How do I begin to talk about my father who not only played a central role in my early childhood years, but also still does? I look up to, and admire him, very much. Whatever I would say would not do justice. I can't even say that he is one in a million because even that is an understatement.

I come from a family of four siblings where I am the second oldest. As far as my childhood and teenage years are concerned I have many happy memories. Whether they are family holidays or one to one with my father I would have to struggle to think of times that were not positive ones.

I was not an easy child and I certainly gave my parents sleepless nights. When disciplining was in order I can only remember my father dealing with me with much care, love and consideration and instilling me with a sense of right and wrong.

No son could ask for a better role model. He has an ability to find the right balance in life. Whether in terms of balancing time with family and business, knowing right from wrong, dealing with people on an individual basis, or being a benefactor for charity, education and health.

He has a true understanding of human values and that people come first. His position as the head of a major international company or his status in terms of wealth did not stop him from caring for others, no matter who they are.

His sense of loyalty to others goes beyond the call of duty. He would go out of his way to spend either time or money (or both) to help and assist. He has no problem with wealth, as his motto is: "Surplus wealth is a sacred trust which its possessor is bound to administer for the good of the community"(Carnegie), and so he does!

This upbringing has given me a fundamental set of principles in terms of value by which I lead my life and in turn try and instill in my own five children. My children are missing out a lot by not being able to see their Grandfather more often. As the saying goes:" A picture is worth a thousands words". Seeing him in person, being in his company, holding his hand, a kiss, a hug – its worth more than a thousand.

[redacted]

Tel: [redacted]
Fax: [redacted]
Mobile: [redacted]
E-mail: [redacted]

Whenever I am faced with decisions, choices or pressures, I look back and think what would my father have done and how would he have dealt with that particular situation.

I miss the daily contact with him whether just to see him, say hello or ask for advice.

What more can I say, how do I go on? There is so much more, but it is in the heart. Feelings and memories, which are not tangible, words, could not do justice to.

From a loving son



Sandra Mirriam Kohn
[redacted]

December 1, 2000

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

Dear Mr. President:

I am writing to support my father's application for a pardon by explaining something of what his life has taught me about his principles and character. Others may know more about his charity and actions in the community at large, although I have seen a great deal of that. But I know how he has been an inspiration to his family and to me.

Throughout his life my father has been concerned for the welfare of others and for what is right. My father could never say "No" to someone in need, and he always stood on principles and always was fair. He could never do something knowing it might be wrong. Honesty and trust are principles he believed in and stood for.

My father's deep devotion to his orthodox Jewish way of life means that there were boundaries he would never cross-he had to do what is right. Although he gained wealth through hard work and good fortune, my father never needed to show it to the world. To him, wealth means there is more to give to charity and to less fortunate people. He has earned the respect of his family, friends, co-workers, employees, and partners through his actions and his soft-spoken manner.

My father and his principles have had a strong impact on my life. It is a privilege to be his daughter. If his character and contributions to the welfare of others are important, he satisfies any standard. He is a man deserving of a pardon.

Respectfully yours

Sandra Mirriam Kohn

Sarah Freund
[redacted]

December 6, 2000

President William Jefferson Clinton
The White House
Washington, DC

Dear President Clinton,

I am writing to tell you about my father, Pincus Green, better known to me as Dad. I understand that he has requested a pardon from you. In making your decision, I hope you will consider the following.

I can tell you stories of a man who is kind, a good man, a charitable and honest man, but this could be many men. But what makes this man special to me, what separates him from all the rest, is his dedication as a father and special attention to my family and me.

Even though he is a wealthy man with a hectic schedule, he always makes plenty of time for my five boys and me. He does not hesitate to roll up his sleeves, get down on the floor and play with the boys. My father could buy us gifts, give us a hug and smile and feel that he has done his duty. But he doesn't. He chooses to give my boys and me something money can't buy: his time.

I remember how after my twin sons were born and I was left alone at home to man the front (due to a car accident in which my husband was injured). But I was not really alone. When my father heard the news he dropped everything and moved in with me to help. This was the big leagues: feeding, dressing, car pooling and changing the dirtiest of diapers. My father did not help me by hiring a maid or assistant. No, he helped me in the best way he knows how - by coming himself to do the job.

This is just one example of the countless times my father's generosity of spirit has shone through. He is a man of true action, not just words. I love and admire him dearly for what he has given to me and for what he has given my children.

Sincerely,

Sarah Freund

ישיבה ד'מאנסי-בית אהרן כולל נצח ישראל

בהנהלת הרה"ג מוהר"ר משה גרין שליט"א

[redacted]

December 6, 2000

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

Dear Mr. President:

I am writing to tell you a little about my brother, Pincus ("Pinky") Green.

As children he had an outgoing personality and people were drawn to him. I am more reserved and bookish, and had few friends. He always tried to include me in different activities so I wouldn't be alone.

Now that we are adults, he is still helping me out. When the Yeshiva I run became too small for the number of students attending, he sent me a check to start a building campaign in order that I could build a new building to service the students that I had and more. As always he acted on an impulse to help. He does not need to be asked.

That is the type of person Pinky is – always helpful, thoughtful, and looking after others.

Respectfully yours,

Moishe Green

MAILING ADDRESS: 2 Roman Boulevard, Monsey, N.Y. 10952 (914) 352-4591

Solomon H. Green

[redacted]

December 5, 2000

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

Dear Mr. President,

I am pleased to be recognized as the older brother of Pincus Green. He is a person of generosity and integrity whose devoted attention to individual and communal causes has been the pride of our family.

We have a deep respect for his intellectual acumen and for his concern for the welfare of our community and of our family. His caring, his insight and his generosity assured our parents the respect and caring they enjoyed in their later years. His knowledge of the world has been a source of help to his siblings as they confronted economic and physical hardships.

His grandchildren adore him, are at ease with him and love it when he joins them in their play. Pincus is a warmly relating and affective husband to his wife. He has been the patient and guiding spirit to his children as they have themselves grown into parenthood.

Though my brother Pincus Green is younger in years, we have always looked up to him as a model of maturity, integrity and wisdom

Respectfully yours,
Solomon H. Green
Prof. Emeritus, Yeshiva University, New York

Pearl Fontek
[redacted]

December 5, 2000

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

Dear Mr. President:

I am Pincus ("Pinky") Green's sister and write to support his application for a pardon.

I know you will receive many letters from people outside his family who have benefited from Pinky's generosity, but it is also important to understand that his generosity and concern are part of his private life as well as the public one, and that they have been part of his character from the very earliest part of his life.

Pinky is two-and-a-half years older than I. We grew up as the two youngest of eight children and did not have much materially, but even then Pinky's generosity and concern for others was exceptional. He shared whatever he had with me, and when he was grown he continued to look out for my welfare in small ways and larger ones.

What I am trying to say is that Pinky is and has always been thoughtful, caring, and dedicated to sharing whatever he has. That is what Pinky Green means. It is what his family knows in the most direct and meaningful ways, and what you should know when trying to understand his character and contributions.

Respectfully yours,

Pearl Fontek

Presidencia

Comunidad Israelita de Madrid
הקהילה היהודית במדריד

November 27, 2000

The Honorable William Jefferson Clinton
President of the United States of America
The White House
Pennsylvania Avenue
Washington, District of Columbia

Dear President Clinton,

I am pleased to acknowledge to you that Mr. Pincus Green is a long-time registered member of the Jewish Community of Madrid who is highly-esteemed and much loved by our members.

We have always known Mr. Green to be a God-fearing man whose strong faith and religious convictions have manifested themselves in his generosity towards the less privileged and in particular towards the children of our community. He is a good husband and a loving father whom we admire.

As he is genuinely an upright person, we wish him all the best in his endeavors.

Truly yours,

Isaac Querub Caro

Comunidad Israelita de Madrid
הקהילה היהודית במדריד

C/ Balmes, 3 - 28010 Madrid - Tel.: 91 521 31 31 - Fax: 91 594 15 17 - e-mail: cimsecretaria@telefonica.es

Letters Expressing Support for the Pardon of Mr. Pincus Green

Letters Expressing Support for the Pardon of Mr. Pincus Green

Paul Fontek	Nephew of Mr. Pincus Green
Kalman Samuels	Founder and Director, Shalva
Rabbi Simcha Hacohen Kook	Chief Rabbi and Head of the District Rabbinical Court in Rechovoth
Eliezer Jeselsohn & Rabbi Moshe Raziel	Chairman of the Board Head of the Machon The Ludwig and Erica Jesselson Institute for Advanced Torah Studies
Dr. Jerry Hochbaum	Executive Vice-President Memorial Foundation for Jewish Culture
Noach Dear	Councilman – 44th District, New York City
Prof. Jonathan Halevy, M.D.	Director-General Shaare Zedek Medical Center, Jerusalem
Rabbi Aaron Lasker	General Director, Pachad Yitzchok Institutions
Shlomo N. Mandel, Ph.D.	Friend of Mr. Pincus Green
Josef Guggenheim	Friend of Mr. Pincus Green Former Secretary of Marc Rich Group of Companies
Dr. Harry Trost	Friend of Mr. Pincus Green
Dr. D. Jeselsohn	Friend of Mr. Pincus Green
Sanford Kestenbaum	Friend of Mr. Pincus Green
Dr. Daniel Tropper	President, Gesher Foundation Former Assistant to Minister of Education
Rabbi Yehuda Amital	Dean, Rosh Yeshiva

Letters Expressing Support for the Pardon of Mr. Pincus Green

Walter Straus	Friend of Mr. Pincus Green
Rabbi David Cohen	Board of Governors, Gvul Yaabets
Rabbi David Feinstein	Dean, Mesivtha Tifereth Jerusalem Rabbinical Seminary
Rabbi Shmuel Berenbaum	Rosh HaYeshiva, Mirrer Yeshiva Central Institute
Dr. Joel Aschkenasy	Surgeon, Zurich, Switzerland
Abraham H. Fruchthandler	Friend of Mr. Pincus Green
Rabbi Daniel Levy	Rabbi of Israelit Religionsgesellschaft
Rabbi Yitzchok David Grossman	Chief Rabbi of Midgal Ha Emek Member, Chief Rabbinate Council Dean, Midgal Ohr Institute
Prof. Moshe Kaveh	President, Bar-Ilan University, ISRAEL
Rabbi Herman N. Neuberger	President, Ner Israel Rabbinical College

Paul Fontek
[redacted]

December 5, 2000

To Whom it May Concern,

I am writing about a man that I admire enormously, Pincus Green.

My relationship with him is quite unique as it has been on two levels. He is my uncle, and has been my employer.

Because he is my uncle I have known him my whole life. In the late 1970's and early 1980's he lived around the corner from my family, and I saw him quite often and came to know him very well. Later, in 1982 I became an employee of his company.

Since he has lived out of the country I have talked to him often and visited him as well, as the various companies that I worked for had offices in Switzerland.

During my many years of knowing him my opinion of him has not changed. He is a bright, thoughtful, caring, and sincere man, who happily has a very good sense of humor.

Sincerely yours,
Paul Fontek



בית של אהבה ותקווה!

שלוה שחרור למשפחה לילד המוגבל

December 4, 2000

To Whom it May Concern,

Mr. Pincus Green is a unique individual whose sincere concern and compassion for his fellow man are extraordinary. Mr. Green has generously supported the work of Shalva, but not before thoroughly investigating the merits of the organization. He was most impressed by the fact that our programs benefit not only the individual, but help the entire extended family to cope with their mentally challenged child's needs, and to maintain a healthy family life. Mr. Green also carefully verified that services were available equally to children of all ethnic backgrounds without discrimination.

Never has Shalva had a donor like Mr. Green who shuns any and all honors, and the limelight. He asks nothing in return other than the knowledge that his gifts are utilized to bring light into the lives of special children and their families. His unparalleled generosity is surpassed only by his humility.

Sincerely,

Kalman Samuels

Kalman Samuels
Founder and Director

חתני אותות פרס הנשיא וראש עיריית ירושלים

E-MAIL: info@shalva.org
WEBSITE: www.shalva.org

רחי אבן דנן 6, ת.ד. 35199 ירושלים 91351
טלפון: 02-6519555, פקס: 02-6535787

שלוה - בית נחשון

RABBI SIMCHA HACOHEN KOOK
CHIEF RABBI OF REHOVOT
ISRAEL

שמחה הכהן קוק
רב ראשי ואב"ד
רחובות

DATE December 3, 2000 ב"ה, יום

To Whom it May Concern,

I was privileged to have served close to thirty years as the Chief Rabbi and head of the District Rabbinical Court in Rechovot. My rabbinical position commits me to serve a wide and varied community as well as being at the forefront of educational activities for youth and adults. I also take part in assisting individuals who are afflicted with severe illnesses or other hardships.

In such cases, I make use of the services of exceptionally humanitarian people who selflessly live for what they can do to help others.

Without question, one such rare individual who I am acquainted with is Mr. Pincus Green, of Zurich, Switzerland.

In every talk I have had with him, I had the pleasure of seeing a man whose concern for the individual and the community is sincere, far-reaching and sagacious.

I first met him in connection with the remarkable work he did in concert with the international effort to help refuseniks exit the Soviet Union.

Every time I turned to him concerning saving the life of a man, woman or child suffering from a rare disease whose treatment was prohibitively expensive, Mr. Green's heart was open to hear the case and he responded generously to save the person.

One of the primary values of a nation or people is its educational system, whose purpose is to raise a generation versed in its heritage and culture.

לשכת הרב הראשי טל. 08-9362766 (off.) Tel. פקס. 08-9362755 (off.) Fax.
Tel. ([redacted] פקס Fax. ([redacted]

RABBI SIMCHA HACOHEN KOOK
CHIEF RABBI OF REHOVOT
ISRAEL

שמחה הכהן קוק
רב ראשי ראכ"ד
רחובות

DATE ..... ב"ה, יום .....

I am setting up a large educational network in the city of Rechovoth and other places in Israel which has received the help and support of Mr. Green. I am obligated to emphasize that even though his support has been extremely substantial, he has given it in a most unobtrusive and unassuming manner.

His deeds and concern for the fate of the Jewish nation, has made him a special person graced with integrity, wisdom and generosity who is involved in both humanitarian and national projects.

With blessing and appreciation,

S. Kook

Rav Simcha Hacohen Kook,

Chief Rabbi and Head
of the
District Rabbinical Court in Rechovoth.

Fax. (off.) 08-9362755 .פקס Tel. (off.) 08-9362766 לשכת הרב הראשי טל.
Fax. [redacted] פקס Tel. [redacted] טל

הכולל הגבוה לתורה ע"ש לודביג ז"ל ואריקה יסלזון (ע"ר)
THE LUDWIG AND ERICA JESSELSON
INSTITUTE FOR ADVANCED TORAH STUDIES (RA)

בס"ד

8 Cheshvan 5761
December 5, 2000

To whom it may concern:

This is to recommend to you Mr. Pincus Green, a close acquaintance of ours for nearly ten years.

Throughout this period he has distinguished himself in the leadership role he assumed in support of our Institute. He is not only a most generous benefactor, but has shown himself to be a man of great vision and communal responsibility. He conceived, brought to fruition and follows closely a program training university students in the values of Torah and Science, guiding them to become moderating forces in the workplace, community and academia. These students, the academic, intellectual and spiritual elite of the university, attest to the finest qualities of Mr. Green, a man displaying in his every action warm concern and unconditional positive regard to his fellow man and to society at large.

Sincerely yours,

Eliezer Jeselsohn
Chairman of the Board

Rabbi Moshe Raziel
Head of the Machon

BAR-ILAN UNIVERSITY, RAMAT-GAN ISRAEL 52900 אוניברסיטת בר-אילן, רמת גן
E-mail:friedlj@mail.biu.ac.il Fax:03-5346088 פקס: Tel:03-5318[illegible] טלפון

MEMORIAL FOUNDATION FOR JEWISH CULTURE

15 East 26th Street
New York, NY 10010
(212) 679-4074

December 5, 2000

To Whom It May Concern:

I am the Executive Vice-President of the Memorial Foundation for Jewish Culture, an international Jewish organization engaged in reconstructing Jewish culture around the world after the Holocaust.

I have known Mr. :Pincus Green for almost two decades in connection with my work. He has, with abundant generosity and sensitivity, helped support our organization continuously during that period. Whenever approached, he has responded with alacrity and enthusiasm. One of the areas in which he has made a pioneering contribution is his revival of Jewish life in the Former Soviet Union, where he has demonstrated resolute purpose and vision.

In his philanthropic activity, he has achieved a well deserved international reputation for his kindness, dedication, sensitivity, and modesty.

His generosity has made a difference in this world, for which all who know him are deeply grateful. He is truly a philanthropic saint.

Sincerely yours,

Jerry Hochbaum

Dr. Jerry Hochbaum
Executive Vice-President

JH:fzs

NOACH DEAR
COUNCIL MEMBER, 44TH DISTRICT

☑ DISTRICT OFFICE
4424 16TH AVENUE
BROOKLYN, NY 11204
(718) 633-9400
FAX (718) 633-9403

☐ CITY HALL OFFICE
250 BROADWAY, 22ND FLOOR
NEW YORK, NY 10007
(212) 788-7022

THE COUNCIL
OF
THE CITY OF NEW YORK

COMMITTEES
TRANSPORTATION
CHAIR

LAND USE
FINANCE

SUBCOMMITTEE
ZONING & FRANCHISES

November 29, 2000

To Whom It May Concern:

As a Councilman for New York City since 1982 I have often been asked to support a person or a project, even when my acquaintance with the person is short and my knowledge limited. But my support of Pinky Green is unqualified and not like the usual case. I have known Pinky for close to 25 years. I also know first-hand his humanitarian contributions to the community – not just recently and for the few, but for many years and for many, many people.

I was Pinky's neighbor in Brooklyn and sat next to his son in Synagogue. He has always gone to exceptional lengths to help those who needed help the most. He has always helped with an open heart, and he never wanted any publicity for his assistance and financial contributions. He did not help because he wished to see his name associated with it. He is humble, honest and dedicated to helping those in need.

He has been particularly dedicated to education for the young and to the survival of Jewish communities in Russia. From my personal contacts I know that those communities have faced devastating hardships both under the old Soviet regime and in the difficult transition in recent years. When I worked to bring aid to the Russian communities seeking to overcome the disasters of the communist years, Pinky guided me with advice and provided financial support to those in Russia who had no where else to turn. His financial contributions were on a large scale.

Pinky Green was the principal supporter of the main synagogue in Moscow, where they started a day school for children. There was a need for a ritualarium in Moscow, which is very important for the survival of the Jewish community and Pinky helped it to be built. He helped start educational systems in other cities in the former Soviet Union and funded summer programs for the children.

I know something about all these matters and can say without hesitation that the survival of the Jewish community in Russia today is due in large part to the unstinting support of Pinky Green.

As I walk through my community, there are many synagogues and schools that would not have been built, except through the benevolence of Pinky Green. No where does it show his name or acknowledge his contribution – it has all been done in a quiet and humble way.

This is a community that has large families and sending children to day schools is part of their religious upbringing – who could subsidize and supplement the cost of that? Thank goodness for the efforts and philanthropy of Pinky Green.

He has also been extraordinarily generous to institutions, communities and individuals in this country and in Israel. I have sent people to him who needed help and have seen the benefits. I remember one of the chief Rabbis of Israel who had a particular need and desperately lacked funds for a school to survive. I referred him to Pinky Green and all I know is that when I went to visit the school in Israel, the smile on the faces of the children was so heartening and displayed their gratitude to have a comfortable, safe environment. It was Pinky Green who came to the rescue.

I must say that Pinky reminds me of Elijah, the prophet, who responds to a person's outcry when someone is in dire need of help. Suddenly a package arrives or the financial means to solve their problem appears ... without the person knowing where it came from. If Pinky could have access to a list of the needy people of this world, he would respond the same way as Elijah does and would not want them to know whom their benefactor was.

Any community and country should be proud to have Pinky Green as a member.

Very truly yours,

Noach Dear
Council Member – 44th District

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פקס. 02-6513936

Prof. Jonathan Halevy
M.D.

office of the
director-general

P.O.B. 3235
Jerusalem 91031
tel. 972-2-6555493
fax. 972-2-6513936

December 3, 2000

To whom it may concern:

Shaare Zedek acknowledges with deep gratitude the support we received from the charitable foundation of Mr. Pincus Green.

Mr. Green is deeply committed to ensuring that Israelis have access to quality medical care. He therefore helped outfit our departments and clinics with state-of-the-art equipment, following our 1979 move to our present modern facilities near Mount Herzl.

Among the many purposes to which these funds were used was the equipping of the Mammography Room in our Department of Radiology. Early detection of breast tumors is the decisive factor in saving the lives of women who are struck by breast cancer, and mammography is a key component of early detection.

The assistance Mr. Green provided Shaare Zedek was part of a broad program of support for a number of Israeli medical institutions.

Shaare Zedek is appreciative of the 14 years of support we received from Mr. Green's foundation, which helped us to provide superior medical care to the people of Jerusalem and to develop into one of Israel's premier centers of medicine.

Sincerely,

Prof. Jonathan Halevy, M.D.
Director-General

Pachad Yitzchok Institutions

High School
Post High School
Graduate Division

Rabbi A. Lasker – General Director

Monday, December 04, 2000

To Whom it May Concern

Regarding: Mr. Pincus Green

My Name is Rabbi Aaron Lasker. From Sept. 1965 – August 1973 I served as an educator on various levels (elementary school, and high school) in the New York Area. From Nov. 1973 I assumed the position of principal of the Jewish studies department in the Kiryat Mattersdorf Elementary School in the Kiryat Mattersdorf section of Jerusalem, Israel. That position I held for the next 17 years. In Sept. 1990 I assumed the position of General Director of the Pachad Yitzchok Institutions (a high school, post high school and graduate school) in the Har Nof section of Jerusalem.

I have known Mr. Green, whom we have always referred to as "Pinky" since I was a youngster in my pre teens. Pinky is slightly older than I am and he served as a youth leader in youth groups that our synagogue provided on Saturday afternoons. The memories that I have from the times that he was my leader are still vivid and fond. All wanted to be in his group.

Pinky grew up and went to the army. He married and lived in Europe for a while while we were still growing up. But, on the occasions when he did come back for visits all flocked to greet him and to be greeted by his warm genuine smile.

Pinky made it in the business world. The boy who was born into a poor hard working immigrant family, worked his way up in the business world. But, he did not change. Money did not go to his head, and he in no way became snobbish and arrogant as many do.

My next relationship with Pinky that has been going on now for about 25 years was that of fundraiser, first for the Mattersdorf school and then for Pachad Yitzchok. And, for literally hundreds of other cases for which I have turned and appealed to Pinky for. A poor bride and groom. A large family that did not have the funds necessary to provide for the upcoming Holiday. A sick parent or child. Loans for completely unknown persons. Never was I turned down and almost as soon as the request arrived at his office, the check was on the way. All requests were treated the same.

Pachad Yitzchok Institutions

High School
Post High School
Graduate Division

Rabbi A. Sacker – General Director

To give you some idea of how money did not change Pinky's personality a few stories come to mind. I once had to go to meet with him regarding a charity. When our meeting was finished Pinky helped me on with my coat. He and his wife then proceeded to put on their coats. When I asked where they were going they said that they were taking me home. Protesting did not help, and he and his wife went down to the car and drove me to where I was staying. When we arrived at my destination Pinky got out of the car and opened my door for me.

Pinky once asked me about a certain individual and a learning program that that person wanted to set up. I knew the individual and felt that he was capable of setting up and running the program that was being spoken about. Based possibly on my recommendation Pinky provided funding for the program. After some time passed I found out that the person fooled Pinky and the learning program that the funds had been asked for was actually not being followed at all. I felt obligated and called Pinky and informed him of what was going on. Most other people would have reacted negatively, or asked for the money to be returned. Pinky merely asked if the young men that were supposed to receive the funds were indeed receiving them, as that was the main thing.

I can go on and on, but all of the stories will lead to the same conclusion. Pinky Green is one of the finest most scrupulous and caring people that anyone could know.

Rabbi Aaron Sacker

Shlomo N. Mandel Ph.D

[redacted]

December 6, 2000

To Whom It May Concern:

With this letter, I take the opportunity to write about Mr. Pincus Green, who is a close friend of mine as well as a true friend of our community.

I have had the privilege of working with Mr. Green in his support of humanitarian causes in Eastern Europe. In my own limited experience, I have been witness to his financial and moral support of hundreds of thousands of individuals in Eastern Europe, North America and Israel.

Through his philanthropy, Mr. Green has been instrumental in instilling democratic and American values throughout the former Soviet Union, via numerous educational projects.

By sending food and other humanitarian aid to large populations of needy individuals in Eastern Europe, often in cooperation with such governmental agencies as USAID, Mr. Green has quite literally helped save thousands of lives.

I am aware of hundreds of projects around the world that Mr. Green has supported with sizable contributions, but more significantly, he has enhanced the efforts of many of these projects with his experience and profound wisdom.

His guidance over the past ten years has been personally helpful. His integrity and sound advice has been extraordinarily inspiring.

In my opinion, Mr. Green's potential return to North America would be wonderful news and provide great benefit to all Americans.

Thanking you for all due consideration of my letter, I remain,

Yours truly,

Shlomo N. Mandel Ph.D.

Josef Guggenheim

[redacted]

TO WHOM IT MAY CONCERN

I am Josef Guggenheim, born 1928, a Swiss citizen and have been living in Lucerne and Zurich since my birth.
Part of my forefathers have been living in Switzerland since 1607; my father Dr. med, Robert Guggenheim,was a well known and most respected medical doctor in Lucerne, and also my father-in-law (Dr.med.Werner Wyler) was for many decades a medical doctor in the same town;. he was also for 16 years a Member of the City Council and acted for a period as its president; my mother- in-law, Mrs.Susy Wyler, was for 12 years a well respected Member of the Cantonal Parliament of the Canton of Lucerne.
In Lucerne I went to all the schools up to Matura and after some years abroad studied law at the Zurich University. After several years in a Lucerne law office I was for several years Deputy General Manager for the international investment Group of Intershop Holding Ltd, which was formed by the leading European Banks; thereupon for several years leading Manager for real estate firm which was based in Switzerland, and which was successfully active in developing and finding international investors for a new City in Florida (USA). Thereupon I was active for several years as a Managing Director for a firm of the Rosenstein Group of Companies, based in Switzerland, but active on an international level. Finally I was employed as a Company Secretary of the Marc Rich Group of Companies, and was also active in certain financial activities on an internatonal level.
Presently I advise a group of Swiss Companies and am also active in the Federal Foundation Society (AGES, combining 200 Swiss based Foundations).

I am writing to you on behalf of Mr Pincus Green,who I have known for 25 years and have also worked closely together with him. for many years. I write to confirm to you that he is a most honest and upright citizen who has on a large scale been very charitable and helpful to the larger community, within which he is very much respected.

During the many years he has lived here in Switzerland he has lived an exemplary life and has made many voluntary contributions on a large scale to the society.
I can recommend him to all people and institutions .

Zurich, December 4, 2000

Respectfully yours,

Josef Guggenheim

Dr. med. Harry Trost
Spezialarzt FMH
Physikalische Medizin
und Rehabilitation
speziell Rheumaerkrankungen



[redacted]

[redacted] 5. Dezember 2000

To Whom it may concern

I am a practicing rheumatologist in Zürich in private practice since 1982. I have been active as a teacher of Manual Medicine and am on the examination-board for the specialization in Physical Medicine and Rehabilitation. I am also director of a clinic for Strength-training for back ailments in Zürich since 1994, and am on the board of the Swiss-International Commitee for Medical-Strength-Training and am a founding member of the Swiss Committee for Strength-Training.

Mr. Pinky Green has been known to me for approximately 18 years, as a patient and friend of the family. I confirm that he is an honest, upright and very charitable person. He has been helpful and has financially assisted the community with donations for the needy and patients, as well as hospital donations, and is very respected within and without the community.

During the many years that he has lived here in Switzerland, he has led an exemplory respectful life and has made numerous voluntary contributions to the society. He has an open heart and soul for all of mankind.

Sincerely yours

Dr. med. Harry Trost

DR. D. JESELSOHN

[redacted]

TO WHOM IT MAY CONCERN

Zurich, Dec. 4, 2000

These lines are written in my capacity as an old business and personal friend of Mr. Pincus Green.

I am a citizen and resident of Switzerland, active as a business man in the areas of financial management, international trade and real estate. I am also active in the Jewish public life of Switzerland, serving as a member of the Central Committee of the Swiss Federation of Jewish Communities.

I know Mr. Green and his family for more than 30 years, having worked together in the same organization. Mr. Green is and has always been an honest, upright, trustworthy person, who has always fulfilled his work and executed his projects according to these pinciples.

Alongside his remarkable and outstandingly successful business career, Mr. Green is very active in communal, social, educational and cultural areas. His activity in these fields, both in Switzerland and abroad, is exemplary and has caused his name to be a synonym for compassion and charity. As a matter of fact, there are very few people who I know that have understood like Mr. Green how to transform their own outstanding financial success into an ever growing flow of support and help for such a wide gamut of needs for the whole society.

I shall be more than happy to furnish, if necessary, any needed details about some of the outstanding deeds of Mr. Green.

Dr. D. Jeselsohn

December 5, 2000

To whom it may concern,

I know Pincus Green since 1957. We have been good friends all this time. He has always been honest and truthful. Our friendship and my knowledge of him is completely on a personal level. He is forthright, keeps his word, and deals with his acquaintances modestly. I also think that his wonderful family is a reflection of his true character.

We worked for the same company at the start of our careers and his reputation there was always excellent.

I gladly vouch for him as a fine person

Yours truly,

Sanford Kestenbaum

[redacted]

3189

Dr. Daniel Tropper
[redacted]

December 4, 2000

To Whom it may Concern,

Throughout the many years that I have known Mr. Pincus Green and over the course of at least 50 collaborative charitable ventures with him, I have always been impressed by the enormity of his sense of identification with others, his feeling of responsibility toward his people, his sensitivity for the poor and ill, and his profound sense of modesty.

As the current President of the Gesher Foundation, a former Assistant to the Minister of Education, and the former Director of the Joint Program for Jewish Education of the Jewish Agency, I have encountered countless numbers of individuals trying to better the world and make their contribution to the Jewish nation as a whole and Israeli society in particular. I have never known anyone as generous, unassuming, and respectful of the recipients of his grants as Pincus Green.

There is almost no limit to the breadth and variety of individuals, organizations, and institutions that have benefited from Pincus's sincerity and financial contributions. To name just a few, he has contributed funds to individuals in need of surgery, clothes and shoes to abused children in an institution, to poor families drowning in debt and to a broad spectrum of medical, educational and social organizations. Even more extraordinary, anytime I have ever known him to make a donation of funds, he has done so anonymously. Mr. Green does not seek recognition. His generosity derives from true compassion and moral commitment.

Mr. Green does not choose his beneficiaries randomly, but based upon deeply rooted beliefs and principles. He has supported the development of educational technology based on his belief that children must develop technological know-how in order to function and prosper in this world of rapidly advancing technology. He has provided the means for settling young people in development towns based on the premise that they can contribute significantly to the growth of these towns. I remember being particularly touched by his generous donation to a fertility clinic, and his expression of compassion for the tremendous pain experienced by women unable to have children.

Mr. Green is also a person of incredible breadth. This is perhaps best illustrated by a recent occurrence. Just a few weeks ago, Mr. Green approached me and asked if I had heard of a town in France, Le Chambon, whose citizens, he understands,

saved 5,000 Jews during the Holocaust. He had heard that it is today an impoverished area and wanted to know if anything had been done by the Jewish people to repay their debt to help the people living there. After some investigation, I discovered the information which Mr. Green had received was true. In our encounter, Mr. Green seemed to feel as if he was the representative of his people, as if he personally had a moral debt he must repay to the citizens of Le Chambon. He is today in the process of examining in what way he can assist those people. I have never encountered such an identification with and commitment to one's people. He harbours an unusual sense of moral responsibility.

Pincus Green is a man of real substance, simply one of the finest, most modest and genuinely philanthropic individuals I have ever had the privilege of knowing.

Sincerely,



[redacted]
December 4, 2000

To Whom It May Concern,

Eight years ago I was diagnosed with a rare malady that greatly limited the use of my hand. My new limitation was particularly disturbing because it prevented me from being able to write – the very lifeblood of the life of the scholar. I was referred by an acquaintance, Mr. Pincus Green, to the Schulthess Clinic in Zurich that performs a surgical procedure, which could restore the functioning of my hand.

Mr. Green's involvement just began here. Mr. Green met me at the airport and took me to my hotel. Each day he personally came to the hotel to drive me to the clinic, await the examination and drive me back to the hotel. And in the days that I was hospitalized he visited me each day to be certain that all my needs were being taken care of. And it was he – when I had recovered sufficiently to return home – who took me back to the airport. He even offered to cover all medical costs, which I was fortunately able to turn down.

I shall never forget the kindness that Mr. Green bestowed on me during that time. He acted with a simplicity and humility that completely belied the fact that he is a man of large resources who could certainly have found some underling to ferry me around and who surely had more pressing matters than to spend many hours acting as my chauffeur and companion.

Simplicity and humility are rare and valuable human resources. They are even rarer among the moneyed and powerful. I can personally attest to the fact that money and power have not corrupted Mr. Green. He remains a kind, thoughtful and humble human being.

Sincerely,

Y. Amital

Rabbi Yehuda Amital
Dean – Rosh Yeshiva
Yeshivat Har Etzion

H & W STRAUS [redacted]

December 7, 2000

TO WHOM IT MAY CONCERN:

I have known Mr. P. Green for nearly 50 years.

After serving in the US Army during World War II, and after finishing my college education, I first worked as a security analyst at Bache from 1948 until November 1950. Subsequently, I joined Philipp Brothers, a metals and minerals trading company that served the global market.

In 1952, I was sent to Philipp Brothers' Amsterdam office (at that time the main European office) and I served in Amsterdam for approximately 33 years. First I worked as a metal and mineral trader and during the last approximately 15 years as managing director.

Mr. Green also worked in the Philip Brothers organization in New York and in 1958 he was sent to the Istanbul office stopping off first in Amsterdam to acquaint himself with the business activity in Turkey. About two years later he was called back to Amsterdam (at that time still the European headquarters of Philipp Brothers) to handle and supervise the business activities with Turkey and other European countries. In the mid 60's he joined our then European manager, Dr. A. Blum in moving to Switzerland when the ore and mineral department was transferred to Zug.

Ever since Mr. Green joined Philipp Brothers I have had the good fortune of maintaining a close personal relationship with him and with his entire family.

I know Mr. Green as an honest and straight forward person who was not only a good business man but also was (and still is) known for his charitable contributions. He and his family always endeavor to help other people who, for one reason or another need help.

Mr. and Mrs. Green are family oriented people who take pride in raising their children to be well educated -honest and respectable people- all of whom are now married with exemplary families of their own.

I can attest that Mr. Green is well respected in the communities of Europe and the U.S.

Respectfully yours,

Walter Straus

DAVID COHEN
RABBI-LIBRARIAN

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To whom it may concern:

I've been asked to describe the activities of Pincus Green during the last twenty-five years that I've known him as a parishioner and friend. As his Rabbi he has consulted with me concerning many personal as well as communal issues. His concern for the pain of others and the community at large was paramount. He is also a very modest person who would insist that his charity would not be disclosed.

He financed the building of our synagogue, an edifice that was built fifteen years ago at a cost of aproximately three million dollars. He did so without any solicitation and insisted that I do not disclose that he was the sole benefactor — which I honored until it became ludicrous, since everyone realized that it must have been "Pinky".

I know of many instances where he helped variegated institutions involved in social welfare, education and religious needs of the entire spectrum of the community.

Our people are always lamenting these last fifteen years that he's been away as a great deprivation of material benefits as well as inspirational energy which he infused into the communal bloodstream when he was here.

Rabbi David Cohen
Congregation Gvul Yaabetz
Chaplain — Ohel Justice Homes
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Mesivtha Tifereth Jerusalem of America
[redacted]
Fax: [redacted]

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BOARD OF DIRECTORS
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December 6, 2000

TO WHOM THIS MAY CONCERN:

I, David Feinstein, am the Dean of Mesivtha Tifereth Jerusalem Rabbinical Seminary, which has been located on the Lower East Side for over 90 years.

Mr. Pinky Green is a staunch supporter of our institution which can exist only because of generous grants and contributions made by people, like him, who take to heart the continuation of Orthodox Judaism and values.

Whenever we have emergency capital improvements, he donates additional funds. I know that at the same time he also helps individuals by providing for their personal needs. He truly has the values of an Orthodox Jew and any consideration that could be extended to him will be appreciated by the Orthodox Jewish community.

Sincerely yours,

MESIVTHA TIFERETH JERUSALEM

David Feinstein

Rabbi David Feinstein
Dean

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Rabbi Shrage Moshe Kalmanowitz
Rabbi Shmuel Berenbaum
Roshei Yeshiva

בס"ד

December 5, 2000

To Whom It May Concern:

I have personally known Mr. Pincus Green for over 25 years, both as a concerned parent and as a devoted patron of our school. He is a man of vision, generosity and caring. In my dealings with him, I have been greatly impressed by his integrity, reliability and by his being " a man of his word".

He has always demonstrated a profound understanding and awareness of the pivotal role that Jewish education plays in the molding of generations of forthright and upstanding citizens, and he gave of his time and resources to assist the school in any way possible.

His dedication to humanitarian causes inspired him to take a leadership role in a broad spectrum of community activities. Mr. Green is one of the major benefactors and supporters of our institute as well as of many others and has been instrumental in their growth and expansion.

Sincerely,

Rabbi Shmuel Berenbaum
Rosh HaYeshiva

Dr. Joel Aschkenasy
[redacted]

5th of December 2000

TO WHOM IT MAY CONCERN

My name is Dr. Joel Aschkenasy.I am a surgeon in Zürich, Switzerland.
I was born in Switzerland 1933.

I am writing on behalf of Mr. Pincus Green.

I have known Mr Green since 1965. I got to know him through my wife, who knew the Green family several years earlier when they were living in Holland. They are very dear friends.

I also know him as a patient and although he was a very busy man, he struck me as being modest, e.g. not asking for privileges.

I confirm that Mr Green is a man of high moral standard. He is known to help the needy individual as well as many institutions and all this he is doing in a very discreet way.

Sincerely Yours

J.Aschkenasy



December 4, 2000

To Whom It May Concern:

I am writing this letter on behalf of a dear friend, confidant, and a man whom I respect, Mr. Pincus Green.

On a business level, knowing him for many years, I have found Mr. Green's business acumen to be excellent and his advice to be sound. Many a time, he has lent a business ear to those who seek his advice. This, of course, is done at no benefit to himself.

I, myself, for example, am in the real estate business, where inflation and interest rates have a very direct impact and effect. I often have sought his direction and he has always made time for me and provided me with wise input.

In reference to his charitable and philanthropic endeavors, once again, I have first hand knowledge of his actions and deeds. He has, for many years, supported local schools and synagogues here in Brooklyn with very sizable donations. In addition, there are many institutions here, in Israel and worldwide to whom he has given tremendous amounts of money to help them through severe financial crises. These contributions have often saved these institutions from closing. In addition, he has contributed great amounts of money for expansion and capital programs besides yearly stipends for day to day operations.

I have also found Mr. Green to be one who is concerned about his heritage and fellow Jew, which goes beyond philanthropy. He had discussed with me at length the consideration and possibility of creating a new educational program in the Jewish community that would fill a void. This program would have provided a fine mix of religious and secular classes, giving many students the educational wherewithal to face the challenges of tomorrow.

In summation, I believe that Mr. Green has added a lot to his community and friends in a business way and a philanthropic way, and would the opportunity present itself, he would once again become a major asset and lay leader in his society.

Sincerely yours,

Abraham H. Fruchthandler

ב"ה

RABBINAT DER
ISRAELIT. RELIGIONSGESELLSCHAFT
Rabbiner DANIEL LEVY
[redacted]
Telefon [redacted] Telefax 0[redacted]

הרב ד. לוי
אב"ד דקהל עדת ישרון צירך

To whom it may concern

I, Rabbi Daniel Levy, am the Rabbi of the above community.

I have known Mr. Green since my arrival here in April 1972 and have worked together with him on various communal and charity projects.

I write to confirm to you, that he is an honest and upright citizen who has been very active in every field of charity all these years. This includes not only the standard cases of people who are poor and destitute, but also educational institutions at every level of education. On many occasions he has been the major contributor to lifesaving operations for people unable to afford the best and highest available medical attention. These activities are not only local but on an international level.

During the many years he has been in Switzerland he has lived an exemplary life.

Thanking you in advance

Respectfully Yours,

Rabbi D. Levy.

Zurich, 4th December 2000

Rabbi D. Levy

הרב יצחק דוד גרוסמן
רב העיר-מגדל העמק.
חבר מועצת הרבנות הראשית
נשיא מוסדות מגדל-אור

Rabbi Yitzchok David Grossman
Chief Rabbi of Migdal Ha'Emek
Member, Chief Rabbinate Council
Dean, Migdal Ohr Institutions

בס"ד

ח' בכסלו תשס"א

<u>לכל המעונין</u>

מר פנחס גרין הוא אישיות מיוחדת ביותר. קשה לתאר במילים את עצמת תמיכתו במשפחות במצוקה, ילדים, יתומים וכל נצרך.

כרב ראשי של עיירת פיתוח, אני נקרא שוב ושוב לסייע בפתרון בעיות אישיות כגון: עניות, חולי, משפחות במצוקה, התעללות בנשים וילדים וכו'. למרות שרוב המקרים אינם נפתרים ע"י תרומה כספית, תמיכה מעין זה תוכל להקל במידה רבה במצבים קשים אלו.

אין לנו אלא להתפעל מההיענות הנדיבה של מר גרין לנזקקים. הוא אכן נתברך בלב פתוח ונשמה גדולה.

בברכה,

הרב יצחק דוד גרוסמן
רבה הראשי של מגדל העמק

3200

Translation

Rabbi Yitzchok David Grossman
Chief Rabbi of Midgal Ha Emek
Member, Chief Rabbinate Council
Dean, Migdal Ohr Institutions

December 4, 2000 Jerusalem

To Whom it may Concern,

Mr. Pincus Green is an extraordinary individual. It is difficult to describe in words the magnitude of his assistance to families in distress, children, orphans and anyone in need.

As the Chief Rabbi of a development town, I am repeatedly called upon to assist in personal problems, e.g. poverty, illness, broken homes, abused wives and children, etc. While money cannot solve most of these issues, it is often a critical element in ameliorating the situation. The generous response of Mr. Green to those in need is absolutely astounding. He has been blessed with an open heart and a gracious spirit.

Sincerely,

OFFICE OF THE PRESIDENT לשכת הנשיא

בר"ה

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בס"ד
December 5, 2000
8 Cheshvan 5761

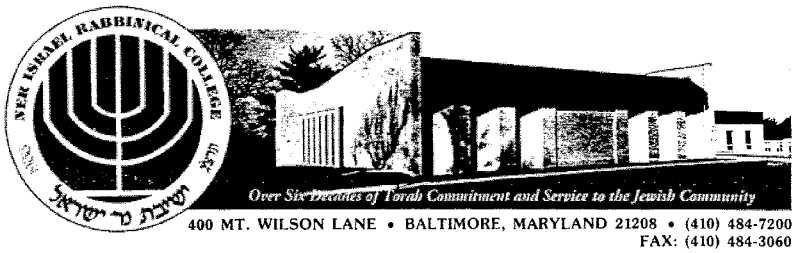
To whom it may concern:

We are pleased to write on behalf of Mr. Pincus Green, a long-standing friend of the university.

We have come to recognize Mr. Green not only as a philanthropist but as a major force for academic excellence and societal change. He has championed the cause of outstanding students in need, appreciating their great potential and the promise they hold – not only for Science but for the community, as well. His pioneering spirit and foresight have lead to the actual creation of a level-playing field, granting equal opportunity to all students of high ability. Throughout the process he has been attentive, responsive and caring, never demanding any recognition whatsoever for his significant contribution.

Sincerely yours,

Moshe Kaveh
Professor Moshe Kaveh, President



400 MT. WILSON LANE • BALTIMORE, MARYLAND 21208 • (410) 484-7200
FAX: (410) 484-3060

November 29, 2000

To whom it may concern:

I wish to share with you the enormous esteem and great regard that I have for Mr. Pincus Green who is unquestionably one of the major philanthropists and great humanitarians of our era.

As President on Ner Israel Rabbinical College, I have known Pincus Green for over twenty years. Although his son Aaron was only in our school for a very short period of time, Mr. Green has recognized the importance of our institution as one of the foremost citadels of higher Jewish learning in the world. In almost seventy years of existence, Ner Israel has trained and continues to graduate rabbinic, educational, communal and knowledgeable laymen who occupy positions of leadership throughout the Jewish world.

It is this understanding, coupled with Mr. Green's global concern for the growth and success of Jewish communities throughout the world, that has motivated him to participate in funding a number of our capital projects over the years. Furthermore, he has never asked for any public recognition or dedications for his efforts on our behalf.

Over the years, I have come to know that there are numerous individuals who have been helped in significant ways by his generosity, including those in need of medical attention that they could not afford as well those who faced fiscal emergencies and were in need of a helping hand. Often the recipients of his largess are unaware of its source.

There are numerous Jewish educational and social service agencies throughout the world that receive regular contributions from this caring humanitarian.

Pincus Green is a devoted husband, a loving father and grandfather. He is blessed with a beautiful family whose lifestyle reflects the moral, ethical and religious tenets of Orthodox Judaism. Amongst his siblings are those who are considered great talmudic scholars and educators. He is personally a man of dignity, integrity and trust who is uncompromising in the practice of his faith.

We look forward to a time when he will be able visit with us and see first hand all that he has helped us build.

Sincerely,

Rabbi Herman N. Neuberger
President

BERNARD WOLFMAN

(617) 495-4623

HARVARD LAW SCHOOL
CAMBRIDGE, MASS. 02138

December 7, 1990

Gerard E. Lynch, Esquire
Chief, Criminal Division
Office of the U.S. Attorney
Southern District of New York
U.S. Courthouse Annex
One St. Andrews Plaza
New York, NY 10007

Re: U.S. v. Marc Rich et al.

Dear Mr. Lynch:

As you know, Leonard Garment has retained Professor Martin D. Ginsburg and me to analyze the transactions which underlie the superseding indictment in this case, and to express our views as to their federal income tax consequences. Making no independent verification of the facts, but accepting the statements thereof made to us by Mr. Garment and others in his law firm after their extensive investigation, Professor Ginsburg and I have concluded that MRI correctly reported its income from those transactions and that a court, if called upon to decide the issue, would agree.

Our understanding of the facts and our legal analysis and conclusions are set forth in the form of Proposed Findings of Fact and Conclusions of Law which we enclose herewith. These are the Findings and Conclusions which we would request and expect a court to make if it were called upon to determine *civil* liability in this case.

Professor Ginsburg and I would be happy to discuss our views

with you at your convenience and hope you will afford us the opportunity to do so.

Sincerely,

Bernard Wolfman

Bernard Wolfman

cc. Professor Martin D. Ginsburg
Leonard Garment, Esquire

12/07/90

Defense's Proposed Findings of Fact and Conclusions of Law With Respect to the Deficiency in Federal Income Tax Determined Against Marc Rich & Co. International Ltd. for 1980 and 1981

I. FINDINGS OF FACT

1. By notice of deficiency, the Commissioner of Internal Revenue ("Commissioner") determined a deficiency in federal income tax based on the superseding indictment in U.S. v. Marc Rich, et al., 83 Cr. 579 (SWK) (S.D.N.Y.). The superseding indictment charges Marc Rich & Co. International Ltd. ("MRI") with income tax evasion for allegedly under-reporting income totalling approximately $105 million on the U.S. income tax returns MRI filed for calendar years 1980 and 1981. While Marc Rich & Co. AG ("AG"), MRI's parent, is also a defendant in the criminal case, AG has never filed a U.S. tax return and is not charged with tax evasion or with a deficiency in federal income tax.

2. MRI was duly organized under the laws of Switzerland in 1978 as a wholly-owned subsidiary of AG[1]. AG was duly organized as a Swiss corporation in 1974. At all relevant times, MRI and AG were each headquartered in and conducted substantial business from their offices in Zug, Switzerland. Both AG and MRI were engaged in the international trading of commodities, including crude oil, metals and minerals. A primary purpose for forming MRI was to conduct trading activity in the United States.

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1 In July 1983, AG sold the stock of MRI. The company was renamed and continues to trade as Clarendon, Ltd.

To this end, MRI opened a branch office in New York City immediately upon incorporation in 1978.

3. During the taxable years in issue, Marc Rich ("MR") was the Chairman of AG's board of directors and also was Chairman of MRI. Pincus Green ("PG") was a member of AG's board of directors and also was President of MRI. At all relevant times, MR and PG were employed and paid by MRI, not AG. More than 50% of the stock of AG was owned by persons unrelated to MR and PG who were neither U.S. citizens nor U.S. residents. The majority of directors of both AG and MRI also was comprised of non-U.S. citizens and non-U.S. residents.

The Regulatory Background

4. The deficiency determined by the Commissioner is based on MRI's tax treatment of certain crude oil transactions that occurred in 1980 and 1981. From 1973 until decontrol by President Reagan at the end of January, 1981, sales of crude oil in the U.S. were subject to regulations issued by the Department of Energy ("DOE") or its predecessors. The regulations were complex and attempted to further several different goals. As a result, different regulations applied to different classes of crude oil producers, resellers and refiners, and to oil produced from different wells and in different historic volumes. Thus, for example, oil of identical physical properties sold in the U.S. might attract different regulatory prices and be subject to different legal restrictions depending on by whom the oil was

sold, to whom the oil was sold, and the production history of the well from which the oil was first derived.

5. More particularly for present purposes, the DOE imposed ceiling prices on producers' initial sales of crude oil coming from domestic wells that on average produced in excess of ten barrels per day. Such oil was called "controlled" oil, because the maximum price for the first sale of such oil by its producer was restricted. (There were two categories of controlled oil. Crude oil produced from a well existing in 1972 at or below a designated 1972 level of production was labelled "old" oil; "new" oil referred to crude from wells opened after 1972 or oil obtained from wells existing in 1972 but produced in quantities exceeding a designated 1972 level of production for that particular well. Old oil carried a lower regulatory initial sales price than new oil at any given time, although the ceiling price of each rose through the years.) After the initial sale by the producer, controlled oil could be resold at any price. Oil from wells whose average daily production did not exceed ten barrels and oil from foreign sources was called "uncontrolled" or "exempt" oil, because this oil could be sold for any price at any time.

6. Even though the classification of a barrel of crude oil as controlled did not impose a ceiling price on the oil after the first sale by the producer, the oil continued to carry its classification through the refining stage, because some crude oil refiners in some circumstances incurred additional costs or received cash benefits depending on the mixture of controlled and

uncontrolled oil used in their refineries in a given month. These additional burdens or benefits were known as "entitlements." The entitlements program was designed to reduce the disparity in costs different refiners were incurring by virtue of their unequal access to producers' lower priced controlled oil and their resulting disproportionate purchases of more expensive uncontrolled oil.

7. Entitlement burdens or benefits and other regulatory factors affected the free market price of oil. For example, ceiling prices on controlled oil changed, entitlement burdens and benefits lagged behind other market changes, and, beginning in 1980 with the possible end of DOE controls, companies speculated on controls being lifted. In addition to regulatory changes, international developments and free market forces affected domestic and foreign crude oil prices dramatically from 1973 to 1981.

8. The existence of the many different regulations and other factors affecting price variations in crude oil from 1973 to 1981 ushered in hundreds of crude oil "resellers," companies that neither produced oil nor refined it, but simply traded oil for profit. Many of these companies lacked any oil storage or transport facilities; they traded barrels through ownership certificates, much as other commodities are traded. Resellers were recognized by DOE as playing an important role in the crude oil market.

9. DOE regulations allowed resellers to sell any barrel of oil (whether controlled or uncontrolled) at any price. However, DOE regulations limited resellers' average monthly profit on all domestic crude oil trading activities. MRI was a domestic oil reseller subject to DOE's restrictions. Resellers such as MRI were required to file monthly with DOE a form "ERA-69" that set forth their actual average monthly profit on domestic crude oil sales, so that DOE could determine if excess profits had been earned. For much of the regulatory period, a given reseller's permissible average monthly profit on domestic trading depended on when the reseller entered the industry and, in some cases, on the reseller's historic profit margin. In addition, some resellers were for a time permitted excess profits on domestic trading if their prices were no higher than those of other, similarly situated resellers. However, in late July, 1980 DOE announced a new maximum permissible average monthly profit of 20¢/barrel effective September 1, 1980 applicable to all of the resellers involved in the present case.

10. Among the lawful and profitable practices in which DOE allowed resellers to engage was a practice known as "tier trading."[2] Tier trading was a generic term for the process by

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2 While tier trading was often done legally, during the years in question a number of companies engaged in illegal tier trading, primarily by miscertifying oil subject to certain price controls as subject to different regulations or as free of regulatory controls. Such illegal tier trading is not involved in this case. After thoroughly investigating the various participants' roles in the business arrangements in issue, the United States government did not civilly or criminally charge anyone with any impropriety or illegality with respect to the tier
(Footnote Continued)

which some resellers exchanged oil of different classifications or "tiers" (i.e., old or new controlled oil was traded for uncontrolled oil) among crude oil producers, resellers or refiners who, due to their varying regulatory restrictions, business needs or perceptions of the future of the market place, required a different classification of oil.

The Origins of the Transactions in Issue

11. The crude oil transactions in issue here involve multiple, linked sales of foreign and domestic oil, in combination with domestic tier trading activities carried on by two U.S. corporations, West Texas Marketing Corporation ("WTM") and Listo Petroleum, Inc. ("Listo"), both of which were completely unrelated to MRI and AG. In the years at issue, WTM and Listo were crude oil resellers with experience in tier trading. WTM and Listo did a substantial amount of reselling business not involving MRI or AG. MRI and AG did not conduct tier trades and were not familiar with details of how tier trading was done.

12. In late 1979, John Troland of WTM approached an MRI trader with whom Troland had worked at a previous job to propose a business opportunity. Troland explained that WTM could lawfully and profitably tier trade controlled oil obtained from producers at the low, regulated ceiling prices set for producers' first

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(Footnote Continued)
trading process involved in the transactions in issue. See March 6, 1984 letter from Assistant United States Attorney Martin J. Auerbach to Judge Shirley W. Kram, specifically informing Judge Kram that no charges were brought in the superseding indictment relating to miscertification of crude oil.

sales of controlled oil produced by them for discounted uncontrolled domestic oil that could be sold at the higher, unregulated free market price. However, Troland continued, WTM had difficulty obtaining controlled oil from producers, because many producers were willing to sell their controlled oil at the controlled price only in combination with another transaction -- often involving unregulated foreign oil -- of benefit to the producer. Troland explained all this to the MRI trader because WTM did not have sufficient access and resources in the foreign oil market to engage in the additional foreign oil transactions required by many crude oil producers as a condition of selling controlled oil that WTM could tier trade. Troland knew AG and its affiliates had the requisite capacity to trade effectively in the foreign oil market.

13. In early 1980, Charter Crude Oil Company ("Charter"), a domestic crude oil producer completely unrelated to AG and MRI, had been trying unsuccessfully to obtain Peruvian Loreto foreign oil for its Bahamian affiliate, Charter Oil (Bahamas) Limited ("COBL"), which required this somewhat unusual type of crude oil for its antiquated refinery. AG dealt in Loreto foreign oil, and its Lima office had ongoing contacts with Petro Peru, a foreign entity completely unrelated to AG or MRI that was the major supplier of this oil. Together, these three factors -- AG's ability to acquire Loreto foreign oil, Charter's need for Loreto and its ability to sell domestic controlled oil at low prices, and WTM's ability to tier trade controlled oil into uncontrolled oil

at a small cost -- formed the basis for a negotiated agreement for linked oil transactions covering the remainder of 1980.

14. In May 1980, Charter, COBL, AG, MRI and WTM negotiated the volumes and prices of the oil to be sold in the various, linked steps of the integrated arrangement. AG negotiated with Petro Peru a long-term purchase in Peru of Loreto foreign oil; AG would then resell the Loreto foreign oil to MRI in Peru for a reasonable profit. Meanwhile, an MRI trader negotiated with a Charter official concerning MRI's sale to COBL of Loreto foreign oil, which MRI would ship from Peru to COBL in the Bahamas with title passing in Peru. COBL would pay less than market price for the Loreto; however, Charter would sell to MRI a related volume of domestic controlled West Texas Sour ("WTS") oil produced by Charter at the low controlled price. At the same time, another MRI trader negotiated with WTM regarding the disposition of this domestic WTS oil. It was agreed that MRI would sell the controlled WTS oil to WTM at cost or a small profit. WTM would tier trade the controlled oil for uncontrolled oil at a small additional cost to WTM, and then WTM would resell the uncontrolled oil to MRI at a small profit but still well below the high, unregulated world market price. The volumes and prices at which COBL would purchase Loreto foreign oil from MRI were therefore linked to Charter's willingness to sell a related volume of domestic WTS oil to MRI at controlled prices, and to the return MRI would make on the ultimate resale at the high world market price of uncontrolled oil obtained from WTM after the tier trades were completed. Most important, without the transactions in which

COBL purchased foreign oil at a discount, Charter would not have sold the domestic oil to MRI at the controlled prices.[3]

15. The superseding indictment does not challenge MRI's tax or energy reporting treatment of the first linked oil transaction with Charter, which took place as outlined above in May of 1980.

Pre-September 1980:
The Alleged "False Deduction" Transactions

16. In June of 1980, before the second linked oil transaction with Charter and COBL occurred, the Loreto foreign oil leg of the arrangement was changed by agreement of the parties so that AG sold the foreign oil directly to COBL in Peru, rather than AG selling the Loreto to MRI in Peru and MRI reselling the oil to COBL. Thus, under the new arrangement, title passed from AG to COBL in Peru with COBL paying less than market value. As MRI would continue to earn the high revenues on the sale of the uncontrolled oil but would no longer incur directly the cost of the discount sale to COBL, MRI agreed to compensate AG for the discount to COBL, including a reasonable profit. MRI's payments to AG were necessary to compensate AG for the discount AG would now be giving COBL on the sale of Loreto foreign oil in the first leg of the transaction, without which discount Charter would not have sold the domestic controlled oil that was subsequently tier

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[3] The superseding indictment (par. 22(p)) acknowledges that the discount sale of foreign oil to COBL was part of an overall transaction also involving Charter's sale of domestic controlled oil.

traded for uncontrolled oil. The type of arrangement employed in the second linked oil transaction with Charter and COBL continued in the next four linked oil transactions that took place through the end of August 1980. The Commissioner challenges MRI's tax treatment of the approximately $31 million total payments it made to AG on these five pre-September 1980 foreign oil transactions with COBL.

17. To summarize, the type of linked oil transactions with Charter in issue here during the pre-September 1980 period consisted of four legs as follows:

Leg 1: AG would buy Loreto foreign crude oil at market price and sell it to COBL, with title passing in Peru. AG would invoice COBL at a discounted price for the oil. AG would also invoice MRI for an amount equal to the discount it gave COBL, including a reasonable profit.

Leg 2: Charter would sell MRI controlled WTS oil at the low, controlled price to which producers were restricted in their first sales of such oil. MRI would then sell the controlled oil at or near cost to WTM. By tier trading the controlled oil in transactions with unrelated third parties, WTM then would obtain uncontrolled oil at a low price.

Leg 3: WTM would sell the uncontrolled oil to MRI at a profit, but still well below the world market price. MRI would then sell the uncontrolled oil to third parties at the higher market price.

Leg 4: MRI would pay the invoice it had received from AG for the leg 1 sale in which COBL paid less than full market value.

18. In arriving at the gross income MRI reported on its 1980 U.S. tax return, MRI included in its cost of goods sold the total of approximately $31 million it paid to AG on leg 4 of the five pre-September 1980 Charter transactions in issue. MRI did not deduct such payments as "expenses" from its gross income in order to arrive at its taxable income. The Commissioner completely disallowed MRI's payments to AG (which the superseding indictment incorrectly characterizes as the "Charter false deductions").

19. The only other pre-September 1980 transaction in issue involved a linked oil arrangement with Atlantic Richfield Company ("Arco") similar to the five pre-September 1980 Charter transactions in issue. The Arco transaction followed the same form as these Charter transactions, except for leg 1. There, Arco sold the leg 1 foreign oil at a premium to AG.[4] (In the Charter

[4] AG purchased the foreign oil in the name of Rescor, with title passing in the Netherlands Antilles. This oil was resold with title also passing in the Netherlands Antilles. As described in the superseding indictment (par. 6), Rescor was a wholly-owned Panamanian subsidiary of AG which did not maintain separate sets (Footnote Continued)

transactions, a Charter affiliate purchased leg 1 foreign oil at a discount.) Like the Charter transactions, MRI's leg 4 payment to AG in the Arco transaction (approximately $3 million) was necessary to compensate AG adequately for the foreign oil transaction that induced Arco to part with its domestic controlled oil. Arco would not have sold the domestic oil to MRI at the controlled price unless Arco also sold its foreign oil at a premium.

20. As in the Charter transactions, MRI's leg 4 payment to AG in the pre-September 1980 Arco transaction in issue was taken into account on MRI's 1980 tax return in arriving at gross income and not as a deduction from gross income. The Commissioner completely disallowed this payment (which the superseding indictment incorrectly characterizes as the "Arco false deduction").

21. On its applicable pre-September 1980 monthly reports submitted to DOE (form ERA-69), MRI included the leg 4 payments to AG for both the Charter and Arco transactions as part of the cost of the domestic oil to which the payments were allocable. The superseding indictment does not challenge MRI's treatment of these payments for energy purposes.

22. MRI's leg 4 payments on the pre-September 1980 transactions in issue totalled approximately $34 million. AG did

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(Footnote Continued)
of books or records from AG. Rescor served only as a trade name under which AG directly conducted some of its business.

not report the receipt of this money as U.S. taxable income, a position the Commissioner does not dispute.

Post-September 1, 1980:
The WTM and Listo "pots"

23. The deficiency determined by the Commissioner is based in part on a number of post-September 1, 1980 transactions described in the superseding indictment as the WTM and Listo "pots." The Commissioner determined that MRI improperly omitted from income approximately $24 million attributable to the transactions in the WTM arrangement and approximately $47 million attributable to transactions in the Listo arrangement, for a total of approximately $71 million.

24. As noted in the superseding indictment (par. 22(b)), the post-September 1, 1980 transactions differed from the pre-September 1980 transactions in issue in response to a DOE rule change. In late July 1980, DOE announced new regulations, effective September 1, 1980, limiting to 20¢ per barrel the average monthly profit that resellers such as MRI, WTM and Listo could earn from sales of domestic crude oil. Prior to September 1980, MRI's average monthly profit was well in excess of this amount. This rule change required a change in the WTM transactions. The linked oil transactions in issue in the Listo arrangement all arose after the July, 1980 DOE announcement and took account of the DOE rule change from the start.

25. As a result of the announced DOE rule change, the format of the post-September 1, 1980 linked oil transactions

involving WTM and Listo differed in two major ways from the format of the pre-September 1980 transactions with WTM:

a. First, in the post-September 1, 1980 transactions, MRI did not purchase uncontrolled domestic oil in leg 3 at a discount from world price. Instead, as noted in the superseding indictment (par. 22(b) and (k)), WTM and Listo sold this uncontrolled oil at market prices to third parties or (roughly half of the time prior to decontrol) to MRI. Accordingly, in the post-September 1, 1980 period, WTM and Listo received large revenues on the leg 3 sale of uncontrolled oil at market price.

b. Second, as part of the overall post-September 1, 1980 arrangements, WTM and Listo agreed (as MRI had agreed in the pre-September 1, 1980 arrangement) to make the leg 4 payments to AG attributable to the leg 1 foreign oil transactions that freed the domestic oil for tier trading. WTM's and Listo's obligations to provide additional compensation for the leg 1 foreign oil transactions that freed controlled oil were measured by the difference between the proceeds WTM and Listo received on the sale of the uncontrolled oil and the cost of the uncontrolled oil (which included the cost of tier trading and a lawful profit to WTM and Listo). Such net amount constituted the so-called "pots." Instead of AG's simply invoicing WTM and Listo for these leg 4 amounts (which is how AG collected the leg 4 amounts owed by MRI in the pre-September 1980 period), AG collected the money in connection with additional foreign oil transactions that AG

engaged in with WTM and Listo. The leg 4 change was requested by Listo and on August 4, 1980 was incorporated into a long-term contract under which AG sold 100,000 tons of foreign oil per month to Listo. A similar offer was extended to WTM as leg 4 of the WTM arrangement and a similar long-term contract for foreign oil was concluded between WTM and AG on September 12, 1980. Twenty such leg 4 foreign oil transactions took place between September 1980 and May 1981. In these transactions, WTM and Listo purchased foreign oil at a total price equal to the market value of the oil plus the sums WTM and Listo owed (approximately $71 million) for the leg 1 transactions. In the leg 4 transactions involving Listo prior to decontrol, Listo was importer of record[5] into the United States and resold the oil to a third party. In the first leg 4 transaction listed in the superseding indictment involving WTM, WTM resold the foreign oil to a third party. In the remaining leg 4 transactions, WTM and Listo, unable to trade the foreign oil on their own, resold the oil back to AG, which purchased the oil under its alternate trading name Rescor or, in the last WTM transaction, Highams Consultants.[6] (Thus, WTM and Listo did not deal directly with AG's international foreign oil customers.) In all of the leg 4 transactions involving use of the name Rescor or Highams Consultants, the amounts paid by WTM and Listo above the

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[5] Throughout the period in question, DOE regulations specifically permitted resellers to make a profit on sales where they acted as importer of record.

[6] As described in the superseding indictment (par. 6), Highams Consultants, like Rescor, was a wholly-owned Panamanian subsidiary of AG which did not maintain separate books and records from AG.

fair market value of the leg 4 foreign oil (i.e., the sums paid out of the pots) were separately invoiced as a "differential" due. WTM and Listo earned a fee of between 20-25¢ for each barrel of foreign oil involved in each of the leg 4 transactions. Those sums greatly increased WTM's and Listo's profit (roughly doubling it) and were a substantial factor in their willingness to engage in the overall arrangement. During the course of the arrangement, both WTM and Listo successfully resisted attempts to eliminate the obligation to pay 20-25¢/barrel, and the amounts continued to be paid throughout the arrangement.

26. In addition, the transactions involved in the Listo arrangement differed from the contemporaneous post-September 1, 1980 WTM transactions in two major ways:

a. First, leg 1 of the Listo arrangement involved a purchase from Arco under unique circumstances. The transactions in issue in the Listo arrangement, all of which took place after September 1, 1980, were planned in the summer of 1980, just after the DOE rule change was announced. In the summer of 1980, Arco found itself with a large volume of foreign oil that had a market value at the time well below the price Arco had paid to acquire it. Arco management introduced a program to dispose of this oil, which was costing Arco tens of millions of dollars as oil prices continued to drop. Arco disposed of most of this oil successfully, but had difficulty disposing of several million barrels of foreign oil (primarily Kuwaiti) it was storing in the Netherlands Antilles. Arco, which had done considerable business

with AG and MRI, offered to sell this foreign oil to them. They refused. When the oil still was not sold, Arco added to the offer Arco's willingness to sell a large volume of Alaskan North Slope ("ANS") domestic controlled oil. As a result of Arco's offer to supply ANS as part of the overall arrangement, an agreement was reached on the following terms: (1) Arco would sell the foreign oil[7], with Arco receiving at the time of the purchase an amount that exceeded the fair market value of the foreign oil by approximately $7.50 per barrel; (2) Arco would sell 18 million barrels of ANS to Listo at the controlled price, which Listo would tier trade for uncontrolled oil and then resell as under the post-September WTM arrangement; and (3) in consideration of the $7.50 per barrel additional payment to Arco in connection with the purchase of the foreign oil, Arco would purchase a like volume of uncontrolled ANS from MRI (which MRI would obtain from Listo after the tier trades were completed), paying $7.50 per barrel above the value the parties determined for the uncontrolled oil. Virtually all of the controlled oil tier traded by Listo in the post-September 1, 1980 linked oil transactions at issue was ANS domestic oil purchased from Arco as outlined above.[8]

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[7] It is not clear whether MRI, as opposed to AG, was intended from the beginning to be the purchaser of Arco's foreign oil, but the purchase was in fact made in the name of MRI, which included the foreign oil in its inventory. MRI resold this oil with title passing in the Netherlands Antilles.

[8] See United States Department of Energy Economic Regulatory Administration's Proposed Remedial Order Issued to Arco on October 4, 1985. The overall agreement with Arco proceeded as arranged, except for Arco's purchase of uncontrolled ANS from MRI. Shortly after decontrol at the end of January 1981, the parties cancelled Arco's obligation to purchase uncontrolled ANS scheduled
(Footnote Continued)

b. Second, unlike the pre-September 1, 1980 WTM arrangement, MRI did not purchase controlled oil in leg 2 of the Listo arrangement. Listo purchased directly from the producer all of the controlled oil that Listo tier traded. Thus, as Listo sold to third parties nearly half of the uncontrolled oil it obtained from the tier trades prior to decontrol, MRI was not at all in the chain of title as to nearly half of the domestic oil tier traded by Listo during this period.

27. MRI continued to be involved in the post-September 1, 1980 WTM transactions, although its role differed from its pre-September 1980 role. First, MRI continued to purchase controlled oil in leg 2 of the WTM arrangement (although not in the Listo arrangement) and sell the oil on to WTM. Second, MRI purchased at market prices in leg 3 approximately 50% of the total uncontrolled barrels WTM or Listo obtained by tier trading prior to decontrol. Nearly all of MRI's leg 3 post-September 1, 1980 purchases were made either to fulfill long-term sales commitments MRI had in place prior to September 1980 (e.g., with Arco), or to prevent WTM or Listo from developing a relationship with an MRI customer (e.g., Vickers). Third, an MRI trader monitored the prices WTM or Listo received on sales to third parties, and in some instances introduced WTM or Listo to transactions with higher prices.

(Footnote Continued)
for future delivery, and the additional $7.50 per barrel amount that Arco had agreed to pay in connection with these future deliveries was collected simply by invoicing Arco for the balance due.

28. MRI reported and paid federal income taxes on the net amount of money it retained from its resale of the domestic oil it purchased in the post-September 1, 1980 WTM and Listo transactions. Neither AG or MRI reported as taxable income the approximately $71 million AG received from WTM and Listo on leg 4 of the post-September 1, 1980 transactions. The Commissioner does not dispute AG's tax treatment, but determined that MRI improperly omitted this money in calculating its U.S. taxable income.

II. CONCLUSIONS OF LAW

1. For U.S. income tax purposes, a Swiss enterprise is entitled to the benefits of the United States-Swiss Confederation Income Tax Convention, T.D. 6149, 1955-2 C.B. 814 ("Swiss Treaty").

2. A Swiss enterprise engaging in a U.S. trade or business through a U.S. permanent establishment is subject to U.S. tax only on its U.S. source income. Swiss Treaty Article III(1)(a); Rev. Rul. 74-63, 1974-1 C.B. 374.

3. Income from the sale of crude oil is sourced where title to the oil passes. Section 862(a)(6) of the Internal Revenue Code of 1954, as amended and in effect for the taxable years in issue ("Code"); Treas. Reg. §§ 1.861-7(a),(c) and 1.862-1(a)(1)(vi),(a)(3).

4. AG and MRI were corporations organized for business purposes and each conducted substantial business activity. They are separate corporate entities for U.S. tax purposes. E.g.,

Moline Properties, Inc. v. Commissioner, 319 U.S. 436 (1943). See In re Grand Jury Subpoena Directed to Marc Rich & Co. AG, No. M-11-188, slip op. at 11 (S.D.N.Y. Aug. 25, 1982).

The Alleged "False Deductions"

5. In arriving at its gross income for federal income tax purposes, MRI properly subtracted from sales revenue its leg 4 payments to AG on the pre-September 1980 linked transactions with Charter and Arco. The payments made by MRI to AG were an integral part of the overall arrangement and were necessary for MRI to obtain the domestic oil. These payments compensated AG for engaging in the leg 1 foreign oil transactions on terms unfavorable to AG and were consistent with the overall economic substance of the interdependent foreign and domestic oil transactions. See Rev. Rul. 89-102, 1989-2 C.B. 202. Viewed properly, MRI's payments to AG represent an additional cost it was required to incur to acquire domestic oil and were so treated by MRI. MRI's payments completely satisfy the test for inclusion in cost, which requires only that the payments be necessary to acquire the goods. Treas. Reg. § 1.471-3(b) (cost includes "necessary charges incurred in acquiring possession of the goods"). See Rev. Rul. 80-141, 1980-1 C.B. 111.[9]

[9] The superseding indictment does not charge any violations of the ceiling price energy regulations applicable to sales of controlled oil by producers. In any event, the conclusion that MRI properly treated its pre-September 1980 leg 4 payments for federal income tax purposes is correct whether or not the payments exceeded applicable energy price control ceilings. Although amounts deducted as "expenses" may sometimes be disallowed under Code section 162(c)(2) if the Commissioner establishes illegality
(Footnote Continued)

6. The Commissioner has not challenged AG's non-reporting of the funds received from MRI on leg 4 of the pre-September 1980 arrangement. Nevertheless, it is useful to analyze the tax consequences of AG's receipt of the money from MRI as the principles applicable here also bear on the proper tax treatment of the post-September 1, 1980 transactions.

a. From AG's standpoint, the payments it received from MRI on leg 4 of the pre-September 1980 Charter transactions represent additional proceeds on the leg 1 sale of foreign oil to COBL, notwithstanding the fact that MRI was not the purchaser of

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(Footnote Continued)
by clear and convincing evidence, amounts paid for goods, which amounts are subtracted from sales in arriving at gross income, are not subject to disallowance on this ground. Sullenger v. Commissioner, 11 T.C. 1076 (1948), Nonacq., 1976-2 C.B. 4; Max Sobel Wholesale Liquors v. Commissioner, 630 F.2d 670 (9th Cir. 1980), aff'g 69 T.C. 477 (1977), Acq., 1982-2 C.B. 2; Pittsburgh Milk Co. v. Commissioner, 26 T.C. 707 (1956), Acq., 1982-2 C.B. 2; Dixie Dairies Corp. v. Commissioner, 74 T.C. 476 (1980), Acq., 1982-2 C.B. 1; Rev. Rul. 82-149, 1982-2 C.B. 56.

In addition, although not pertinent to MRI because it accounted for the payments in arriving at its gross income, even if MRI had deducted the payments as expenses from gross income on its tax return, it would nevertheless be entitled to reduce its taxable income by the amount of the payments, whether or not legal, if in fact they represented additional costs incurred in the acquisition of domestic oil. As the Tax Court noted in Max Sobel, 69 T.C. at 484, the taxpayer in Pittsburgh Milk, supra, deducted the illegal rebates as "advertising" expenses, the taxpayer in Rosedale Dairy Co., T.C.M. 1957-243, deducted the illegal rebates as "freight and hauling" expenses, the taxpayer in Harmony Dairy Co., T.C.M. 1960-109, disguised the payments in issue as "advertising or other operational expenditures," and the taxpayer in Atzingen-Whitehouse Dairy, Inc., 36 T.C. 173 (1961), charged the illegal rebates to "selling expense-sales promotion. Despite the various means used by the taxpayers in the cases cited above to disguise the illegal payments as normal operating expenses, all of the taxpayers were allowed to subtract the payments in arriving at gross income because the payments reduced the actual gross profit on sales to customers.

the foreign oil from AG. Prizant v. Commissioner, T.C.M. 1971-196; DeLong v. Commissioner, 43 B.T.A. 1185 (1941). Since title to the Loreto foreign oil AG sold to COBL passed in Peru, the additional proceeds paid by MRI constitute foreign source income exempt from U.S. tax under Article III(1)(a) of the Swiss Treaty.

b. Similarly, the payment AG received from MRI on leg 4 of the pre-September 1980 Arco transaction represents a reduction in the cost of the leg 1 foreign oil purchased from Arco. Brown v. Commissioner, 10 B.T.A. 1036, Acq., VII-2 C.B. 5 (1928); Freedom Newspapers, Inc. v. Commissioner, T.C.M. 1977-429. Since the foreign oil AG purchased from Arco was subsequently sold in the Netherlands Antilles, the reduction in the cost of the foreign oil generated additional exempt foreign source income when the sale took place. See Palmer v. Commissioner, 302 U.S. 63, 68-69 (1937); Pellar v. Commissioner, 25 T.C. 299, 309 (1955), Acq., 1956-1 C.B. 5 (income is not realized at the time a bargain purchase occurs but at the time a subsequent sale or disposition of the property occurs.)[10]

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10 AG's treatment of the linked oil transactions is consistent with the Commissioner's own analysis in Rev. Rul. 89-102, 1989-2 C.B. 202, supra p.20, involving a domestic parent's purchase of goods from a third party at an inflated price as part of an integrated transaction that also enabled its wholly-owned subsidiary to sell other goods to a fourth party at an above-market price. The Commissioner ruled that the transaction should be recast to reflect its true economic substance by reducing the parent's basis in the goods purchased at the inflated price for the benefit of its subsidiary and thus eliminating the loss the parent deducted on its U.S. tax return upon the subsequent resale of the goods at market price. In the present case, had AG been a domestic corporation subject to U.S. tax, the reasoning the Commissioner applied in the ruling would not allow AG to deduct losses from the leg 1 transactions that were structured to benefit
(Footnote Continued)

The WTM and Listo "pots"

7. The structure of the post-September 1, 1980 transactions differed from the pre-September transactions, reflecting the effort to respond to the amended energy regulations. The tax consequences of the transactions after September 1, 1980 are not dictated by the tax consequences of the pre-September 1980 transactions, but are judged on their own merits by attributing the income from the post-September 1, 1980 transactions to the activities that earned the income generated during this period. E.g., Crowley v. Commissioner, 34 T.C. 333 (1960), Acq., 1961-1 C.B. 3. See also Frank Lyon Co. v. U.S., 435 U.S. 561, 583-84 (1978) ("[i]n short, we hold that where, as here, there is a genuine multiple-party transaction with economic substance which is compelled or encouraged by business or regulatory realities, is imbued with tax-independent considerations, and is not shaped solely by tax avoidance features that have meaningless labels attached, the Government should honor the allocation of rights and duties effectuated by the parties" (emphasis added)).

8. WTM's and Listo's roles in the linked oil transactions were those of buyer and seller of crude oil. WTM and Listo, acting in the normal course of their business, as they commonly did in many transactions that had no connection to MRI,

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(Footnote Continued)
MRI. Instead, AG would have to account for the benefit provided to MRI, which it did by treating the leg 4 payments from MRI as additional consideration on the leg 1 transactions.

took title to the domestic oil they purchased and resold at a profit in legs 2 and 3. Moreover, WTM and Listo performed a role critical to the business success of the overall transaction, namely tier trading domestic oil, which MRI and AG did not do and did not know how to do. The role of an MRI trader in aiding WTM and Listo to maximize revenues on their sale of uncontrolled oil is not at all inconsistent with the buyer and seller relationship. Thus, WTM and Listo were owners of the oil, not agents of MRI or AG, and WTM and Listo, not MRI, earned the revenues they received on the leg 3 sale of uncontrolled oil following the tier trades. See, Spermacet Whaling & Shipping Co. v. Commissioner, 30 T.C. 618 (1958), aff'd, 281 F.2d 646 (6th Cir. 1960) (entity which was subject to much greater control and performed significantly smaller role than Listo and WTM, and which was inserted solely to comply with regulatory requirements, nonetheless recognized as owner because its involvement supported by business purpose); J.H. Baird Publishing Co. v. Commissioner, 39 T.C. 608 (1962), Acq., 1963-2 C.B. 4 (a realty company was not the taxpayer's agent in a prearranged plan involving the taxpayer's transfer of improved real estate to the realty company so that the realty company could sell the property and use the sales proceeds (which were held in escrow) to acquire an unimproved lot and construct a building on the lot subject to the taxpayer's approval and supervision, and upon completion transfer the new property and building to the taxpayer).

9. In addition to the fact that MRI's domestic activities did not actually earn the money WTM and Listo paid to

AG on leg 4, the Commissioner's authority to reallocate income in this case is limited by the energy regulations. Treating the money WTM and Listo paid to AG on leg 4 as having been earned domestically by MRI would cause MRI to exceed the 20¢ per barrel permissible average markup that applied to it for energy purposes after September 1, 1980. As MRI never received the money WTM and Listo paid to AG, the Commissioner is not permitted to reallocate the money to MRI's domestic activities and thereby cause it to violate the energy regulations. Commissioner v. First Security Bank of Utah, N.A., 405 U.S. 394, 403 (1972) ("[w]e know of no decision of this court wherein a person has been found to have taxable income that he did not receive and that he was prohibited from receiving").

10. The sums AG received from WTM on leg 4 of the post-September 1, 1980 Charter transactions (from the "pot," in the government's description) constitute additional payments to AG for its leg 1 foreign oil sales to COBL. Prizant, supra; DeLong, supra. This characterization does not differ from the proper characterization of the leg 4 sums AG received from MRI for AG's leg 1 sales to COBL in the pre-September 1980 period. Since title to the leg 1 foreign oil AG sold to COBL passed in Peru, the additional proceeds AG received from WTM on leg 4 constitute foreign source income to AG exempt from U.S. tax under Article III(1)(a) of the Swiss Treaty.

11. The leg 1 transactions with Arco attributable to the post-September 1, 1980 period involved purchases of foreign oil

from Arco. AG's receipt of the leg 4 payments attributable to the post-September 1, 1980 Arco transactions represents a reduction in the cost of the leg 1 foreign oil purchased from Arco. Brown, supra; Freedom Newspapers, Inc., supra. Since the foreign oil purchased from Arco was subsequently sold with title passing in the Netherlands Antilles, the reduction in the cost of the foreign oil increased the exempt foreign source income realized when the sale took place.[11]

12. The same result is reached whether AG or MRI is treated as the purchaser of the leg 1 foreign oil from Arco that freed the ANS for Listo to tier trade, because MRI is also a Swiss corporation entitled to the benefits of the Swiss Treaty. If MRI is properly viewed as the purchaser of Arco's foreign oil on leg 1, then Listo's leg 4 payments to AG attributable to the foreign oil purchase are treated for tax purposes as having first been received by MRI as a tax-free reduction in the price paid to Arco on leg 1, followed by a constructive dividend by MRI to AG (MRI's sole shareholder) in an equal amount. E.g., DiZenzo v. Commissioner, 348 F.2d 122 (2d Cir. 1965).

13. The Commissioner has not sought to tax AG on its receipt of the leg 4 payments from Listo. In this, the Commissioner is correct since a constructive dividend from MRI to

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11 While not directly at issue here, it should be noted that the leg 4 payments WTM and Listo made to AG in the post-September 1, 1980 transactions would be properly included in WTM's and Listo's cost of goods sold for the reasons set forth above with respect to MRI's leg 4 payments in the pre-September 1980 transactions.

AG was exempt from U.S. tax. Under Article XIV(1) of the Swiss Treaty, dividends paid by one Swiss corporation to another Swiss corporation are exempt from U.S. tax if the recipient does not have a U.S. permanent establishment. As AG and MRI are both Swiss corporations, this Article of the Swiss Treaty applies to dividends paid by MRI to AG. For purposes of determining whether AG has a U.S. permanent establishment, Code section 894(b) provides that it is not deemed to have a permanent establishment with respect to income not effectively connected with its conduct of a U.S. trade or business. See Rev. Rul. 79-56, 1979-1 C.B. 459. AG's receipt of a dividend from MRI may not be treated as effectively connected with AG's U.S. trade or business (assuming AG in fact engages in a U.S. trade or business), unless the dividend satisfies either the asset-use test or the business-activities test of Code section 864(c)(2).[12] Neither of these

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12 In addition to assuming that AG is engaged in a U.S. trade or business, this analysis assumes that the constructive dividend from MRI constituted U.S. source income to AG. If the dividend were foreign source income, it would not be subject to U.S. tax even in the absence of the Swiss Treaty and regardless of whether AG were engaged in a U.S. trade or business. A foreign source dividend would be exempt under Code section 881(a) if AG were not engaged in a U.S. trade or business. If AG were engaged in a U.S. trade or business, a foreign source dividend would be exempt under Code sections 882(a) and 864(c)(4)(B)(ii) because AG's principal business is not trading in stocks or securities.

Under Code section 861(a)(2)(B), dividends paid by MRI constitute U.S. source income unless less than 50% of MRI's gross income from all sources for the previous three years is effectively connected with a U.S. trade or business. In view of the conclusion reached below that AG is not subject to U.S. tax even on a U.S. source dividend from MRI, it is not necessary to determine whether MRI satisfies the 50% test. Nevertheless, it should be noted that a substantial portion of MRI's business during the applicable period was conducted abroad. Under Code sections 864(c)(4)(A) and (B)(iii), foreign source income derived
(Footnote Continued)

tests was satisfied here. A constructive dividend to AG would not satisfy the asset-use test because the money AG received from MRI was not used to further AG's U.S. activities, Treas. Reg. § 1.864-4(c)(2)(iv)(Ex. 4), and would not satisfy the business-activities test because AG did not deal in securities. Treas. Reg. § 1.864-4(c)(3). Thus, AG's receipt of the constructive dividend from MRI was not subject to U.S. income tax.[13]

14. For the reasons set forth above, MRI and AG were correct in their U.S. income tax treatment of all the items in question, and there was no unreported federal income or additional tax liability attributable to any of the transactions described in the superseding indictment upon which the Commissioner's notice of deficiency is based.

(Footnote Continued)
on a sale of oil which is attributable to a U.S. office is not treated as effectively connected income if the oil is sold for use, consumption or disposition outside the United States and a foreign office participated materially in the sale.

13 In addition to not challenging AG's non-reporting of the money it received on leg 4 from Listo, the Commissioner has not challenged AG's non-reporting of the money it received on leg 4 from MRI or WTM. In the Commissioner's view, all of this money was earned by MRI and was improperly omitted from its 1980 and 1981 U.S. tax returns. Following the Commissioner's argument, AG's receipt of money alleged to have been earned by MRI would constitute a constructive dividend from MRI. The absence of any challenge to AG's tax treatment suggests that the Commissioner agrees that AG is not subject to U.S. tax on dividends from MRI.

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June 3, 1994

Patrick Fitzgerald, Esq.
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Re: United States vs. Marc Rich and Pincus Green

Dear Mr. Fitzgerald:

Bob Fink and I very much appreciated your meeting with us to discuss the case involving our clients Marc Rich and Pincus Green. While we and our colleagues continue to work on an approach which will lead to a satisfactory settlement, we thought it might be helpful to share some thoughts and suggestions prompted by our meeting and more recent telephone conversation.

After eleven years, the time has come to resolve this case and we believe that this process should start with a candid exchange of views. We understand your view of this case. Given your understanding, it would seem that a resolution based upon the current indictment would be fair, and that selecting counts that fit the evidence would be easy. We seek an opportunity to present another point of view.

In our view, the charges in the current indictment do not provide an appropriate basis for disposition of this case. We believe this for two reasons. First, there is more than ample reason to believe that the defendants paid all the taxes they owed and properly reported all of their domestic oil trading profits. We base this conclusion upon our own comprehensive review and consultations with two of the leading tax authorities in the country who stand ready to visit your office and explain their conclusions. Second, neither the law nor the policies of the Department of Justice support the RICO, fraud, or trading with Iran charges in the in the current indictment. For the most part, the issues appear on the face of the indictment and can be readily evaluated.

We recognize that missteps by the defense are largely responsible for the enhanced dimensions of this case. These missteps included a flawed decision by counsel not to be

forthcoming on the facts coupled with dubious legal maneuvers that led to the notorious document disputes during the grand phase of the investigation. Because of the confusion, anger and intense media interest that surrounded the grand jury investigation, the parties never engaged in a open dialogue regarding the merits of this case. We would like an opportunity to satisfy you that this case does not involve the inflammatory tax fraud, false energy reporting, RICO or trading with Iran violations. We would then like to address the false statement allegations and other matters you mentioned during our discussions. In all events, we believe that a straightforward legal discussion among counsel would soon establish the fair dimensions of the case and lead to a proper resolution.

We know that you do not share our optimism given the long history of the pretrial proceedings and your present understanding of the case. However, the discussion we seek concerns clear and important issues which we assure you can be determined with a modest investment of time and without running afoul of your office policies.

We would like to begin by asking that you and any government tax experts you may choose meet with Professors Bernard Wolfman of Harvard and Martin D. Ginsburg of Georgetown, so that you can personally evaluate their conclusions. We urge this approach because the tax allegations underlie so much of the indictment, and because the merits of our tax position can be quickly evaluated. We, of course, stand ready to begin by addressing a different aspect of the case should you find it more useful.

In considering our request, we ask that you take into account the following additional thoughts regarding the matters raised during our discussions.

1. <u>The Need to Consider the Tax Analysis of Professors Ginsburg and Wolfman</u>

As you noted during our meeting, the core of the indictment is the charge that Marc Rich & Co. International Ltd. ("MRI") evaded roughly $50 million in federal income tax by failing to report income and improperly taking deductions arising from a series of crude oil transactions. Moreover, since MRI was a crude oil reseller subject to additional income reporting requirements, its alleged failure to include the income in

certain regulatory reports is also charged as a scheme to defraud the Department of Energy.

Professors Wolfman and Ginsburg have concluded that what the indictment alleges is unreported "domestic profits" was properly attributed to foreign transactions and, thus, under U.S. law and the governing U.S.-Swiss tax treaty, was not subject to United States tax. Likewise, the so-called "false deductions" were properly treated as a cost of goods sold and, thus, reductions of income. According to Professors Ginsburg and Wolfman, the challenged tax treatment was lawful and proper. Indeed, they believe the government should not win even a civil tax case. In short, their analysis goes to the very core of the government's case and is crucial to defining the true dimensions of this matter.

The Ginsburg/Wolfman analysis is worthy of careful review for three additional reasons. First, Professors Ginsburg and Wolfman are among the most respected tax authorities in the country. Second, the conclusions of Professors Ginsburg and Wolfman (who were not in the case at the time of the transactions) follow the tax treatment actually adopted by the taxpayers taking into account contemporaneous legal advice provided by others; this is not merely an alternative computation method which the taxpayer did not elect, such as in United States v. Helmsley, 941 F.2d 71, 86 (2d Cir. 1991). Third, the Professors' analysis is based upon facts alleged by the government in the superseding indictment and in separate proceedings brought by the Department of Energy in 1985 concerning many of the same transactions.

While there were many individual transactions involved in this case, they all follow the same basic pattern. The corporate defendants engaged in off-shore foreign oil transactions that induced a major U.S. oil company (ARCO or Charter) to sell on-shore domestic controlled oil at the low controlled prices. This foreign-domestic link is critical to the Department of Energy's analysis in the subsequent administrative action brought in 1985 against ARCO concerning the very transactions that form the bulk of the tax evasion case. It is also critical to the Professors' analysis of the proper tax treatment. Unfortunately, the indictment makes no more than a passing reference to the foreign portions of the transactions at issue.

We understand that the impact of the Ginsburg/Wolfman analysis has been discounted as failing to account for certain unspecified facts. Although we have carefully reviewed much of the grand jury material and other information, we are candidly at a loss to determine what these facts could be, or how they could make a difference. We do know the Ginsburg/Wolfman analysis is based upon public record information which is not in dispute. We also know that the prosecutors who conducted the investigation did not then have access to the Ginsburg/Wolfman analysis or to the DOE's 1985 analysis of the ARCO transactions; nor did they have an opportunity before they brought the indictment to review the substantial record of contemporary tax advice which we later provided to your office.

Professors Ginsburg and Wolfman are confident that their analysis is correct and that the tax issues can be quickly explained. Both are prepared to present their conclusions to you and any tax experts you may choose, and to respond to any questions that may be presented.

2. The Corporate Guilty Pleas

During our meeting you asked: If our clients are not guilty of the tax fraud in the indictment, why did the corporations plead guilty and pay $200 million? The answer is simple. The corporate pleas were compelled by the risk of enormous RICO forfeitures and by pretrial restraints and levies that crippled the defendants' ability to do business.

The indictment returned on September 19, 1983, marked the first use of RICO, and RICO forfeiture, in a major white collar case. The indictment applied RICO's most draconian provisions and sought forfeiture of the defendants' entire interest in the enterprise, including hundreds of millions of dollars in interests that were not even claimed to be the proceeds of criminal conduct. In light of the threat of ruin posed by these potential RICO forfeitures, the pleas became the only course open to the corporate defendants.

In addition to the threat of RICO forfeitures, the corporate defendants were crippled by pretrial restraints that included hundreds of millions of dollars in asset freezes and by a cut-off of credit and trading activity caused by the enormous forfeiture claims. Even before the indictment, restraining notices were served to assure collection of fines arising from

disputes concerning the production of European documents. In testimony before a Congressional Committee chaired by Representative Wise on December 4, 1991, former Assistant U.S. Attorney Morris Weinberg, Jr. stated that:

> "In essence, the restraining notices made it impossible for Marc Rich to do business in the United States. As a commodities trader, Marc Rich could not do business without a credit line and as a result of the restraint notices as well as the daily publicity most financial institutions refused to do business with Marc Rich until his problems with the United States government were resolved." (emphasis added).

Moreover, while these restraints remained in place, the IRS, shortly after the indictment, issued a jeopardy assessment totalling more than $90 million. Because a jeopardy assessment -- even though entirely pre-trial -- has the same effect as a judgment, the IRS served notices of levy on many companies doing business with the corporate defendants, including their principal banks. As a result, virtually all of MRI's funds in the United States were cut off.

The combined use of disproportionate RICO forfeiture claims and restraining orders was unprecedented in a white-collar case, and its coercive effect is beyond doubt. Recognizing the coercive effect of overdrawn forfeitures, the Department of Justice in 1989 adopted rules prohibiting prosecutors from seeking forfeitures or pretrial restraints that are disproportionate or disrupt normal, legitimate business activities. In addition, the Department of Justice acknowledged that Congress did not intend RICO to be used in tax evasion cases These policies are set out in two "blue sheet" amendments to the United States Attorneys Manual ("USAM") ¶ 9-110.415 & ¶ 6-4.211(1).

We are not seeking to revisit the validity of the plea agreement. Rather, we seek to explain why the corporate pleas should not be treated as admissions of guilt by our clients, thereby hindering you from seriously considering their position. The law certainly supports our view. Courts have uniformly followed the view that a co-defendant's guilty plea cannot be used as substantive evidence in a criminal trial. This refusal to view the guilty plea of one defendant as probative of the

guilt of another recognizes that a guilty plea may be motivated by factors unrelated to the guilt of a co-defendant. See e.g, United States v. Blevins, 960 F.2d 1252, 1260 (4th Cir. 1992); United States v. Griffin, 778 F.2d 707, 711 (11th Cir. 1985).

As noted above, the threat of a ruinous RICO forfeiture of all "sources of influence" and the accompanying pretrial restraints placed irresistible pressure upon the corporate defendants to settle. Corporate guilty pleas obtained in these circumstances say nothing about the guilt or innocence of our clients and should not be a barrier to a full discussion of the charges.

3. This Is Not a Rico Case

You mentioned that the presence of a RICO charge in the original indictment would influence your thinking regarding an appropriate disposition of this case. We understand your point but ask you to consider whether this matter could proceed as a RICO case today. The use of RICO and wire fraud offenses to prosecute tax charges violates the policy of the Department of Justice, adopted to address the problems highlighted in the Princeton/Newport case. See USAM 6-4.211(1), adopted July 14, 1989. Further, the RICO predicates based on alleged use of the mails to defraud the Department of Energy are defective under McNally v. United States, 483 U.S. 350 (1987). In light of these deficiencies, the presence of RICO charges in the indictment should not have any bearing on our discussions.

4. Our Clients Do Not Seek Preferential Treatment

You expressed concern that if you undertake a serious review of this case you will be affording our clients preferential treatment. We ask that you consider a number of points that dramatically distinguish this case from other matters that your office may be asked to review on behalf of defendants who have not subjected themselves to the jurisdiction of the court.

- First, there is simply nothing preferential in seriously examining an analysis, such as that of Professors Ginsburg and Wolfman, which authoritatively questions the central premise of the government's case.

- Second, in examining many of the transactions at issue here, the Department of Energy collected millions of dollars from ARCO based upon a factual analysis that contradicts the superseding indictment. Although the superseding indictment fails to take into account the linkage between the domestic transactions and their foreign counterparts, the Department of Energy determined that these foreign and domestic transactions were in fact linked. Professors Ginsburg and Wolfman also concluded that the linkage of the foreign to domestic transactions is critical in determining the proper tax position.

- Third, no other companies have ever been indicted for energy practices like those alleged here, including major oil companies that engaged in similar activities. During the 20 year history to date of enforcement under the Mandatory Allocation and Pricing Program (including actions brought long after the regulations were repealed in 1981), several thousand enforcement actions were brought against various firms in the petroleum industry. Except for a handful of extreme cases that involved practices not present here -- most notably miscertification -- enforcement has been accomplished exclusively through administrative proceedings. By salient example, ARCO profited substantially from many of the same linked oil transactions described in the indictment, yet received only an administrative sanction.

- Fourth, our clients were charged with RICO violations and RICO forfeitures that, as discussed above, should not have been brought.

- Fifth, the charges of unlawful dealings with Iran were then, as now, defective. The superseding indictment partially acknowledges this deficiency by dropping the Iranian charges against the corporate defendants.

- Sixth, for much of this case, the government seemingly labored under the misapprehension that the defendants had agreed to the miscertification of oil; indeed, the original indictment so alleges. In March 1984 the allegations of miscertification were finally dropped.

In testimony regarding the indictment of our clients, AUSA Weinberg told the Wise Committee that the case

> "ended after Marc Rich fled, his company ended up paying a $150 million fine, had already paid $21 million in contempt fines, forfeited another $40 million in tax deductions, had lost an estimated $500 million to $1 billion in revenues, and had been tarnished and tainted and represented basically as one of the world's greatest criminals."

Our clients have been "tarnished and tainted," lost up to $1 billion in revenues, fined $170 million and forfeited $40 million, for the very transactions where others, if charged at all, received only an administrative sanction. In light of this, and the many other factors distinguishing this case from others, we do not believe that discussions on the merits are unwarranted.

Conclusion

Nothing in the history of this case could be said to crown the defense with glory or a halo. But we also believe that this history distinguishes this case from others in a way that requires consideration of the very real issues raised by the indictment -- issues which candidly should have been forthrightly presented to the government over a decade ago. For this lapse, and for the problems that ensued, the defendants have already paid an enormous price.

Your office's past discussions with defendants absent from the jurisdiction, including the most recent agreement in the Vaskevitch case, demonstrate that nothing in the history of this case, including the defendants' absence, forecloses such a dialogue. The Ginsburg/Wolfman analysis raises a fair question. Providing a considered answer would not constitute preferential treatment. And more importantly, it would provide a framework for finally resolving this matter.

In all events, we appreciate your courtesy in receiving our views and look forward to hearing from you regarding our request for a meeting with Professors Ginsburg and Wolfman or any other steps which you believe would be helpful.

Very truly yours,

Laurence A. Urgenson

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December 1, 1999

Via Overnight Mail

Honorable Mary Jo White
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Re: United States vs. Marc Rich

Dear Ms. White:

We are writing to request your attention to a matter involving our client, Marc Rich. Mr. Rich's outstanding 1983 indictment – now pending for over sixteen years – is among the oldest unresolved matters on the Southern District's docket (and, indeed, nationwide.)

From the time that the investigation into this matter began in the early 1980s until the resolution of the corporate cases in 1984, Mr. Rich's defense followed a most unfortunate, no-communication, no-cooperation, no-negotiation strategy. For that expensive, but ill-advised strategy, Mr. Rich has paid dearly.

However, since the mid-1980s, the defense has completely reversed this posture toward the case. Mr. Rich's defense has offered full cooperation and a willingness, even eagerness, to enter into a detailed discussion of the merits of the case and serious negotiations for resolution of it.

Despite this change, the last discussions in this matter occurred in 1994, when your Office took the position that no further discussions were possible while Mr. Rich remained outside the United States. That position is inconsistent with the numerous instances in which the Department of Justice has chosen to discuss and resolve issues

with counsel for individuals who have remained outside the country during negotiations. In any event, for the reasons set forth below, we urge you to view this as a matter that can and should now be discussed with Mr. Rich's counsel without Mr. Rich being present.

First and foremost, we submit that it ill serves both the interests of the United States and Mr. Rich to continue the current impasse, and we very much would like to begin a process with your Office and (because any resolution would have to be approved at Main Justice) with the relevant Divisions of the Department of Justice that could lead to closure. We believe that, despite the passage of time, this matter is even more capable of resolution today than it was sixteen years ago. To explain this, we will need to put the matter and the indictment in some context.

This case grew out of the oil embargo and shortages of the seventies and the resultant patchwork of energy regulation. At bottom, those regulations were designed to limit prices to 1973 levels except to the extent that producers exceeded their historical production levels. Any additional production, known as "new oil," could be sold at higher prices. Of course, non-U.S. producers were not subject to price restrictions and could sell oil on the world market at multiples of the United States' "old oil" price.

As a result of these price discrepancies, this country's unilateral regulatory system created a powerful incentive for the major U.S. oil producers -- ARCO, Texaco, and others -- to avoid the impact of the regulations. They did this in dealings with international oil resellers by linking regulated oil transactions with unregulated ones. The U.S. oil producers sought to structure transactions that provided additional profits on foreign transactions to partially compensate them for their inability to maximize profits on regulated domestic transactions. This resulted in the structuring of complex linked transactions between the major oil companies and resellers around the world. The Marc Rich companies were among the many resellers involved in these transactions with the

major United States oil companies. These transactions – including many involving ARCO – are the central subject of the Rich indictment, in which he and a colleague, Pincus Green, and two associated companies were charged with a variety of crimes related to these structured oil transactions, including the tax reporting by one of the corporate defendants.

We believe that this context is important for several reasons. First, as you may know, none of the major U.S. oil companies who structured these transactions was ever prosecuted criminally. To the contrary, when the Department of Energy looked at the transactions involving ARCO and other companies, including the Marc Rich companies, it concluded that ARCO had improperly failed to account for the linked transactions (by which ARCO violated the excess pricing/profits regulations), but nevertheless only pursued ARCO on a civil basis for violations of the regulations. This was true even though DOE recognized that these " 'linked' or 'tied in' transactions [were] proposed and arranged by ARCO . . . all at prices which were calculated by ARCO." Department Of Energy Proposed Remedial Order ("PRO"), October 4, 1985 at 19 (enclosed herewith). Moreover, in seeking to impose civil liability on ARCO, the Department of Energy also recognized that the Marc Rich companies had properly accounted on their books for the "financial concessions" to ARCO in the linked transactions "as costs of the domestic crude oil which they purchased." Id. at 17-18.

This latter point is crucial: despite DOE's recognition that Marc Rich had properly linked the transactions for accounting purposes, and ARCO had not, the Southern District has relied on these same transactions in its indictment, but took the position, contrary to the DOE regulators, that the domestic and foreign transactions are not linked for U.S. tax purposes. This inconsistent treatment by DOE and the Southern District is not simply a curiosity – it goes to the very heart of the U.S. government's case against Marc Rich. In short, DOE collected many millions of dollars in penalties from

ARCO, on exactly the opposite analysis of the facts than that taken in the indictment, which led to the corporate defendants' paying many more millions of dollars to the Southern District.

Thus, we continue to believe that, if your Office and the Department of Justice's Tax Division were to take a thorough look at the tax charges that form the core of the indictment, you will agree with us that this is not a criminal tax case. In fact, the corporate defendants originally paid all the taxes they owed and properly reported all of their domestic oil trading profits. Our conclusion is consistent with the position of the Department of Energy and is supported by the opinions of two of the leading tax authorities in the country, who continue to stand ready to explain their conclusions. Professors Bernard Wolfman of Harvard and Martin D. Ginsburg of Georgetown both have concluded that what the indictment alleges as unreported "domestic profits" were properly attributed to foreign transactions and, thus, under the governing U.S.-Swiss tax treaty, were not subject to United States income tax. Likewise, they have concluded that what the indictment characterized as "false deductions" were in fact properly treated as a cost of goods sold and, thus, were reductions of income. Their conclusion is consistent with the legal advice received at the time the transactions were structured.

We would like to begin by asking that you or your representative, along with representatives of the Tax and Criminal Divisions of the Department of Justice, meet with Professors Wolfman and Ginsburg, and members of our legal team, to personally evaluate their conclusions. We urge this approach because the tax allegations underlie so much of the indictment, and because the merits of our tax position can be quickly evaluated. We believe that such a meeting will advance a resolution of this matter.

We further believe that we can persuade you that neither the law nor the policies of the Department of Justice support the RICO charges and that, in this regard, too, the indictment as currently drafted should not stand.

The Department of Justice today would not base RICO charges on a tax case. As you know, the 1983 indictment was the first use of RICO, and RICO forfeiture, in a major white-collar case. The Department of Justice has since acknowledged that Congress did not intend RICO or mail or wire fraud to be used in tax evasion cases. See United States Attorneys Manual ("USAM") ¶6-4.211(1). Furthermore, the RICO predicates based on alleged use of the mails to defraud the Department of Energy are defective under McNally v. United States, 483 U.S. 350 (1987).

The indictment applied RICO's most draconian provisions and sought forfeiture of the defendants' entire interest in the enterprise, including hundreds of millions of dollars that were not even claimed to be the proceeds of criminal conduct. Recognizing the coercive effect of overdrawn forfeitures, the Department of Justice in 1989 adopted rules prohibiting prosecutors from seeking forfeitures or pretrial restraints that are disproportionate or disrupt normal, legitimate business activities. (See USAM¶ 9-110.415.)

We think that these intervening changes in DOJ policies and RICO law provide yet another reason why your Office should look anew at the indictment, if only to remove those aspects which clearly are not in accord with current DOJ policy.

Finally, we believe that we can show that the charges of unlawful dealings with Iran were then, as now, defective. Significantly, the superseding indictment dropped the Iranian charges against the corporate defendants. We anticipate that your office will reach the same conclusion with regard to Mr. Rich personally.

Marc Rich may be outside the jurisdiction of the United States, but he has in fact suffered much over the past sixteen years as a result of the outstanding indictment. He was unable to visit with and say goodbye to his daughter, Gabriella, prior to her death from leukemia, because he was denied permission to travel to her hospital bed. His reputation has been severely tarnished for transactions that renowned tax professors contend should not even have resulted in civil liability. The Marc Rich companies also have been tarnished by the financially motivated corporate guilty pleas, have suffered massive losses in corporate revenues, and have paid huge fines for transactions for which others, if charged at all, received only an administrative sanction.

We believe that this context distinguishes this case from others in which a dialogue might not be productive and so not worth the time and effort of either side. We also believe that these same distinctions – where the country's leading tax experts have concluded that there was no tax fraud (validating the tax advice given during the period the transactions were being structured), where the RICO charges were defective and are now at odds with DOJ policies, where different branches of the U.S. Government have collected millions of dollars from both ARCO and the corporate defendants on dramatically opposite factual conclusions drawn from the same set of facts – make this a case where dialogue with counsel is appropriate even though Mr. Rich resides abroad.

In essence, we believe that there are very real and important legal policy issues raised by the indictment – issues that should have been, but regrettably were not, forthrightly presented to your Office, or the Department of Justice's Tax Division or Criminal Division, at the time of the indictment. Mr. Rich is now 64 years old. We are hopeful you will agree that the time for a constructive dialogue with the Government is now.

I, and the defense counsel who have long been involved with this matter, urge your Office and the Department of Justice to begin a process with us that can bring this matter to a resolution. We look forward to hearing from you.

Sincerely,

Jack Quinn
Kathleen Behan

Cc: The Honorable Eric Holder
The Honorable James Robinson
The Honorable Loretta Collins Argrett

in its crude oil trading activities was not merely to maintain adequate levels of suitable crude oil for its refinery operations, but also to realize substantial profits from resales of crude oil. ARCO therefore imposed on its customers the payment of a premium as a condition to its offer to sell domestic crude oil.

In order to camouflage its prohibited profit on these sales, ARCO devised several schemes, each with two common elements: (1) every sale by ARCO was "linked" or "tied" to another transaction in which ARCO received some financial consideration or concession from its trading partner; and (2) each sale of domestic crude oil was invoiced at ARCO's posted price for that crude oil. Thus, for each of the 48,000,000 barrels of domestic price-controlled crude oil sold and invoiced at the posted price in the transactions described herein, the purchaser gave additional consideration, in the form of a discount or a premium on other barrels of crude oil, which was not recorded on ARCO's books as a profit on the sale of the domestic price-controlled crude oil.

As evidenced by ARCO's internal memoranda and other documents cross-referencing tie-ins, as well as by affidavits of participants to them, the financial concessions ARCO received were acknowledged by ARCO and its trading partners to be

consideration for ARCO's sales of domestic crude oil. For example, at least two of ARCO's customers, CRR and MARC RICH INTERNATIONAL, accounted for them on their books as costs of the domestic crude oil which they purchased.

These transactions were devised and executed in violation of the restrictions of the DOE's crude oil price regulations at §212.183(b) and were expressly prohibited by 10 C.F.R. §210.62(c): ARCO made use of "premiums, discounts...[and] tie-in agreements" as means to obtain prices higher than permitted by the regulations. These transactions, which had the effect of contravening and circumventing the DOE regulations, also violated 10 C.F.R. § 205.202. The total amount received by ARCO in violation of 10 C.F.R. §212.183(b), 210.62(c) and 205.202 was $239,948,207, exclusive of interest.

VII. AUDIT AND INVESTIGATIVE FINDINGS

A. BACKGROUND AND METHODOLOGY

During the audit period from August 1, 1977 through January 27, 1981, ARCO owned and operated four refineries located at Cherry Point, Washington; Carson, California; Houston, Texas; and Philadelphia, Pennsylvania. The refineries had a total oil refining capacity of 793,000 barrels a day. ARCO's supplies of crude oil were delivered to the refineries by both pipeline and ship.

During the audit period, ARCO had contracts with eleven crude oil resellers pursuant to which ARCO sold 48,251,710 barrels of domestic price-controlled crude oil.7/ As a condition of the sale of each of these barrels of domestic price-controlled crude oil to the eleven resellers, their foreign affiliates or surrogates, ARCO required each reseller to pay additional consideration for the price-controlled crude oil either on purchases of foreign crude oil from ARCO or on sales of exempt foreign or domestic crude oil to ARCO. Beginning in August 1977 ARCO imposed upon these resellers the requirement that a premium be paid for each of these price-controlled sales by ARCO. The commitment to pay this premium, or additional consideration, was a condition precedent imposed by ARCO on the receipt by each of the eleven resellers of these barrels of domestic price-controlled crude oil. The premium was paid to ARCO through "linked", or "tied-in", transactions, proposed and arranged by ARCO, in which exempt foreign crude oil was either sold to or purchased from ARCO or in which exempt domestic crude oil was sold to ARCO, all at prices which were calculated by ARCO. Specifically, during the violation period, the resellers were required to furnish to ARCO premiums in these contingent transactions, totalling $239,948,207. 8/ Neither ARCO nor its trading

7/ See Schedule A.

8/ See Schedule B.

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 27, 1994

Laurence A. Urgenson, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, D.C. 20005

Re: United States v. Marc Rich and Pincus Green

Dear Mr. Urgenson:

I acknowledge receipt of your letter of June 3, 1994. Your letter makes clear your desire to resolve this case in what you perceive to be an equitable manner. While I do not doubt your good faith intentions, it is your clients' intentions that matter more. There is every reason to believe that if a full discussion of the evidence took place and convinced you that the Government could prove your clients' guilt, little would change. Your clients would continue their life on the lam -- with, perhaps, another change of lawyers. It is for that reason that the Government views discussions as to the merits of the case as inappropriate and pointless.

As I have repeatedly stated, if your clients genuinely believe that they have done nothing wrong, they should board the next plane to New York and subject themselves to the jurisdiction of the Court. Even if you were unable to persuade the Government not to proceed on the Indictment, they would remain free to put forth their defense, including the testimony of the two eminent tax professors, before a jury with the assistance of able counsel. Your clients, however, have no intention of being part of any process other than a moot court, and it is that which remains unacceptable.

Please be assured that if Marc Rich and Pincus Green are ever sufficiently serious about negotiations to surrender to the jurisdiction of the Court, the Government will give you ample opportunity to persuade us that your clients are wrongly accused.

Very truly yours,

MARY JO WHITE
United States Attorney

By: _____
PATRICK J. FITZGERALD
Assistant United States Attorney
(212) 791-1942

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 2, 2000

Jack Quinn, Esq.
Kathleen Behan, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
Washington D.C. 20004-1206

Re: United States v. Marc Rich, et al.
S1 83 Cr. 579 (SWK)

Dear Mr. Quinn and Ms. Behan:

We are writing in response to your letter of December 1, 1999, seeking a resolution of the Marc Rich prosecution. Under the present circumstances, however, the resolution that you contemplate, namely a dismissal or major modification of the indictment, is impossible. As we have repeatedly told a succession of lawyers who have approached our Office with similar applications, it is our firm policy not to negotiate dispositions of criminal charges with fugitives. Such negotiations would give defendants an incentive to flee, and from the Government's perspective, would provide defendants with the inappropriate leverage and luxury of remaining absent unless and until the Government agrees to their terms. Moreover, it would not be an appropriate use of the Government's resources to attempt to resolve a case with an absent defendant without a guarantee of his or her intention to return regardless of whether any resolution is reached. If Mr. Rich genuinely believes that he is innocent and believes in the strength of his arguments, then he can surrender to the jurisdiction, and at that time, we will fully and fairly consider his arguments. We will not, however, have such discussions on the merits of the charges until Mr. Rich submits to the jurisdiction of the Court. From the beginning of this case, we have been open to discussions regarding the terms of Mr. Rich's surrender to our jurisdiction, and remain open to such discussions.

While we have been unwilling to negotiate with Mr. Rich in his absence, we have heard numerous presentations over the

years from lawyers representing Mr. Rich urging our Office to dismiss the charges against him. Indeed, in 1987, an Assistant in this Office met with Mr. Rich's counsel and listened to the same presentation by Professor Martin D. Ginsburg referenced in your letter regarding the merits of the tax charges. Nothing in those presentations or in your letter has persuaded us to change our long held policy with regard to fugitives. Accordingly, under the current circumstances, we must decline your suggestion for discussions.

I have communicated with representatives of the Deputy Attorney General and Assistant Attorney General, Criminal Division, and with the Acting Assistant Attorney General of the Tax Division. They all concur that this is a matter within the discretion of the United States Attorney for the Southern District of New York.

Very truly yours,

MARY JO WHITE
United States Attorney

By: _____
SHIRAH NEIMAN
Deputy United States Attorney
Tel.: (212) 637-2576

cc: Eric H. Holder, Jr., Deputy Attorney General
James K. Robinson, Assistant Attorney General
Paula M. Junghans, Acting Assistant Attorney General

Memorandum to Honorable Otto G. Obermaier
Re: U.S. v. Marc Rich, et al., 83 Cr. 579 (SWK)
Date: 11/6/90

This memorandum provides preliminary background information and analysis concerning the issues in this case.

In 1983 the office of U.S. Attorney Rudolph Giuliani brought a much-publicized RICO and tax fraud indictment against commodities trader Marc Rich, his partner Pincus Green, and two of their trading firms. After a series of pre-indictment and post-indictment confrontations, the companies pleaded guilty in 1984 and paid some one hundred fifty million dollars in taxes, penalties and fines. The companies are among the largest commodities trading organizations in the world, with annual sales of many billions of dollars. The case against the two individuals remains unresolved and they have, since 1983, resided in Switzerland.

The prosecution and defense never exchanged views on the substantive issues of the case because of the confusion, anger and near panic that came to surround it. The circumstances under which the two men left the country were unprecedented; and we urge that their present status not be treated as a bar to a discussion of the merits. This memorandum presents a brief overview of some facts and considerations bearing on our legal contention but is not designed to be an authoritative or complete statement of the case.

The case against Marc Rich & Co. AG ("AG"), Marc Rich & Co. International ("International") and Messrs. Rich and Green began as an energy investigation that had its roots in the federal oil price control program of 1973. The controls were a response to inflation and the energy crisis, and lasted until January 1981, when new president Ronald Reagan ended them with his first executive order. While it was in force, the program limited the amount that could be charged by domestic crude oil producers and the domestic refiners who used the crude to make other goods.

Yet alongside the goal of lowering prices, the program embodied other goals as well. Because of these additional goals, often competing and contradictory, the price rules were riddled with exceptions. For instance, the regulators wanted to spur the development of new energy sources, so the rules permitted higher prices for new oil than for old oil. The regulators also wanted to protect small business, so oil from small or marginal fields was exempted from the price controls.

A special feature of the price control program arose from the fact that the big, integrated oil companies, which both produced and refined oil, had access to large quantities of the cheap controlled variety. Smaller, non-integrated refiners had to buy more of the expensive uncontrolled oil, including foreign crude. To equalize matters,

the regulators established a system of "entitlements" under which each refiner was assigned a certain quota of controlled oil. Small refiners, with limited access to controlled oil, would be relatively unlikely to use up their quotas and, therefore, likely to have extra entitlements on hand. If a big company wanted to use more controlled oil than its quota allowed, it would have to buy an entitlement from a smaller operator. When all the trading was over, the theory went, the large and small companies would have paid about the same for their oil.

Yet the entitlement rules, like the basic price control rules, were soon pockmarked by exemptions and exceptions. For instance, certain end users were given specially favorable treatment. So were certain regions of the country.

Regulatory systems are often complex, but the price control system spawned a body of subsidiary rules that became notorious for its complications, ambiguities, and obscurity. Many major questions about the meaning of the rules were never tested and resolved in court. Because of such difficulties, the Justice Department started turning down cases based solely on Department of Energy price control regulations. Enforcement efforts were unsystematic. They continued for years after the program itself had been recognized as a failure, ignominiously ended, and thoroughly discredited.

A Rube Goldberg system of regulations and enforcement actions was wholly predictable in a price control system as ambitious as the energy program. Just as predictably, the price controls led to the birth of new markets and mechanisms designed to remedy the misallocations that the government regulations had caused. Some of these techniques were clearly illegal -- for instance, the crime of "miscertification," in which an oil company, in filling out one of the many forms the program required, lied to the government about whether it was selling controlled or uncontrolled oil. Miscertification is not part of the Marc Rich case.

Price controls also resulted in the practice of "tier trading," in which firms would swap oil from different categories to satisfy particular needs, as well as offering other advantages, so that one party ended by owning uncontrolled oil that could be sold at the full market price. These tier trades were legal. They were also almost always complicated, and some government enforcement officials viewed the many steps in these trades and exchanges with the suspicion that they were shelters for sham transactions.

Because of all the Byzantine categories and misallocations, a third wholly predictable result of the oil price control system was the proliferation of resellers who often earned big profits. The government was as suspicious of these middlemen as of tier trading and, naturally, sought to

regulate them. At the end of 1977 the Department of Energy introduced new rules to limit the resellers' monthly profits by giving each of them a "permissible average markup" (or "PAM") based on historical profit margins. Firms that entered the market after the date of the new rule were free of these limits until the regulators could do a study to establish what their PAM should be. The study was not finished until the middle of 1980. The Department then gave the new resellers a PAM of twenty cents per barrel, effective September 1, 1980. International, as well as other companies that traded domestic oil in this case, were among these new resellers, and the indictment against International makes reference to supposed violation of the twenty cent PAM.

Marc Rich was born in Belgium and came to this country as a child in 1941. In 1953 he went to work for the old-line commodities trading firm of Philipp Brothers, where he became known as an unusually brilliant and imaginative trader. In the early 1970's Rich helped pioneer a new type of market in crude oil -- the "spot market," in which resellers used world-wide information on crude oil grades, locations, and availabilities to make quick matches between buyers and sellers with particular needs. He thus was the leader in the process of taking the world's oil distribution

network from the exclusive control of the Seven Sisters cartel and making the system into a functioning, competitive market.

In 1974, after more than twenty years with Philipp Brothers, Rich left over a salary dispute. After a bitter and public split, Rich, Green and others established AG in Switzerland. In 1978, AG formed a Swiss subsidiary, International, which began a general commodities business in New York. Like every economic player operating under the oil price controls, International engaged in multi-part trades to get the maximum possible benefit out of the existing system of regulations. Here are two examples, chosen because they were later cited by the government in its prosecution:

The first trade, a paradigm for other, similar trades around the same time, took place in 1980 before the "twenty-cent" rule limiting resellers' profits became effective. The process of agreed-upon transactions began when AG sold uncontrolled foreign oil below the market price to a Bahamas-based company affiliated with an American oil producer called Charter. The agreement provided that in return, Charter would sell some of its price-controlled domestic oil to International in the United States, and International would sell this controlled oil at a small profit to another domestic reseller, West Texas Marketing ("WTM"), which was wholly independent of International and AG. WTM, exchanging

this oil for uncontrolled oil through the use of exemptions and tier trading, sold the resulting uncontrolled oil back to International for another small profit, and International sold the oil on the open market at the unregulated and higher market price.

International completed the transactions by paying AG back for the price break that AG had given to the Bahamas affiliate of Charter, for this was the discount that had prompted Charter to release its controlled oil and make the whole set of trades possible.

When the twenty-cent rule became effective in September 1980, it prohibited a class of domestic resellers, which included International, from making substantial profits in these transactions. AG then phased International out of such trades. In one trade that took place under the "twenty-cent" rule, WTM, instead of selling the oil back to International for a small profit, sold it on the open market at the unregulated and higher market price. The lion's share of the proceeds from the trades now sat with WTM instead of International, and it was WTM that paid AG back for its original and critical contribution to the transaction.

In still later trades, International was taken out of the domestic picture altogether. And in yet another variation, the trades began not by selling oil at a discount but by accommodating a long-time customer, Atlantic Richfield

("ARCO"), through the offshore purchase of a very large quantity of foreign crude, thus helping solve an acute oversupply problem that ARCO faced in a declining market.

Part of the complexity of these trades came about not from a desire to address the regulatory system but for other reasons. Sometimes International wanted to prevent one of its customers from going around its back and selling International-supplied oil to one of its other customers. Sometimes a customer wanted a certain kind of payment: WTM, for example, made its payments to AG in connection with foreign oil purchases because of WTM's desires to get into the foreign oil business. Another crude oil reseller independent of International with whom it conducted business during this period, Listo, wanted its transactions conducted through foreign oil sales so that it could earn the import fees permitted under the price control system.

Both AG and International employed customary and accepted accounting methods in recording these trades, but the complexity of such transactions -- not only in their case but with other traders as well -- was doubtless daunting to those not skilled in the commodities business. Yet the players involved in these transactions, none of them novices, and including all of the major oil companies of the world, did not find this complexity overwhelming.

In 1981 John Troland, the head of WTM, pleaded guilty to charges of miscertifying oil. Troland's crimes were not connected to his trades with AG or International. But, as part of a plea bargain, he told a Department of Justice energy attorney that he had traded with International and AG in 1980 and 1981 and that, in the course of these trades, money had been paid offshore to AG. Troland's story suggested that International might have evaded the energy price control program's twenty-cent rule by shifting profits abroad.

From a prosecutor's point of view, this was not a very promising case, particularly as an energy law violation. No miscertification was alleged. The various rules governing offshore transactions and administration of the PAMs were untested and ambiguous. No one had ever been criminally prosecuted for the practices outlined by Mr. Troland. Indeed, under the energy laws no such prosecution involving anything more than a money penalty could take place without an explicit prior warning of illegality from the Department of Energy -- and even then, the crime is a misdemeanor.

Since International had a branch in New York as well as Switzerland, Justice passed the case on to the Southern District, where an investigation began in the spring or early summer of 1981.

In September 1981, with the investigation already under way and known to its targets, International filed its tax return for 1980, covering its trades with Charter and WTM and other similar transactions. In computing its tax, International reduced its taxable income by the amount it had reimbursed to AG for the foreign oil discounts that AG had given to AG's trading partners and counted the remaining, lion's share of the income as subject to United States taxation. On the same return, for the period after the twenty-cent PAM limitation had taken effect and after the transaction had been restructured, International did not make a reimbursement to AG (and, therefore, did not include such a payment in its cost) but took as a profit -- and taxable income -- only the margins from its trades with WTM and Listo. International's tax return for 1981, filed well after the service of grand jury subpoenas referencing tax violations, followed the same reporting pattern.

The tax returns gave an accurate account of International's practices. But they also opened the possibility that the problematic International energy fraud case could now be attacked as a dramatically large tax fraud case. A grand jury was empaneled and subpoenas were issued to International and AG in March and April 1982.

International complied with its subpoena but AG's American attorneys, on the advice of Swiss counsel, decided

to resist the AG subpoena for documents located in Switzerland. They began in the conventional way, challenging the subpoena in court. Judge Leonard Sand ordered the documents produced and said that noncompliance would result in a fine of $50,000 a day. Judge Sand stayed the imposition of the fine while AG took the case to the Court of Appeals.

In May 1983, while Judge Sand's order was on appeal, lead counsel, Edward Bennett Williams, approached the Assistant U.S. Attorney in charge of the investigation, Morris Weinberg, Jr., with a proposal to dispose of the case by payment of the alleged tax deficiency and a substantial fine. Weinberg told Williams that the government would not accept a plea agreement unless it included both huge fines and substantial jail time for Messrs. Rich and Green. If there were no such settlement, Weinberg went on, all the companies, Rich, Green and others would be charged with RICO offenses. Williams reported this with distinct alarm: A RICO indictment, Williams explained, would mean a massive and unquantifiable freeze on assets before trial and a similarly massive and unquantifiable mandatory forfeiture of assets if there were a conviction. RICO also meant a trial at which the rules of evidence would be dangerously elastic, and the statute provided for jail sentences that were draconian. From Rich and Green's point of view, it now suddenly seemed that the government was using a conventional tax and energy

dispute to pursue them and their companies' complete destruction.

The Court of Appeals affirmed Judge Sand's order for production of the AG documents. In response, Rich's attorneys adopted a strategy which was, it appears in retrospect, unduly aggressive. The result was to transform a documents dispute into a clash of wills. First, attorneys began a suit and countersuit in the Swiss courts to determine whether Swiss internal laws would allow AG to produce the disputed documents. Both AG and International were incorporated under Swiss law. The majority of their board members were, following Swiss law, Swiss citizens. The problem of the conflict between the American demand for documents and the Swiss internal laws was a real one, and thus there was nothing illegitimate about the companies' action. But the suits in Switzerland were begun and conducted without any notice to the U.S. government attorneys, who were -- not surprisingly -- furious when they learned of the proceedings.

AG's attorneys also sought review of the Court of Appeals judgment on the documents. The Swiss government, reluctant until now to participate in a U.S. discovery contest, joined the dispute and filed a brief in the Supreme Court in June 1983 requesting an adjournment to the October term. The Supreme Court declined the adjournment, denied certiorari and Judge Sand rebuffed the intervention by the

Swiss government and started the running of the $50,000-a-day fine. In early July, AG sold control of International to a business associate who was not under investigation -- again, without advance notification to the prosecutors. In response, Judge Sand ordered restraints on numerous U.S. bank accounts.

By this time, the case had begun to attract escalating and eventually massive publicity. The U.S. Attorney's office repeatedly described the case to reporters and in other public forums as the largest tax evasion case in U.S. history. The press began to treat the case as a sensation, and the publicity started to have serious effects on the business. In August 1983 AG entered into an agreement with the prosecutors to produce the documents located in Switzerland and, as part of the pact, agreed not to exercise its right of appeal any further. The agreement contained still more restraints and multi-million-dollar mortgages on U.S. assets.

Even this agreement did not end the fight. Just days after it was signed, U.S. authorities, acting on a tip, dramatically stopped a Swissair flight that had already begun to taxi down the runway at Kennedy Airport en route to Switzerland and seized two trunks of International documents, bound for International's headquarters in Zug. The U.S. Attorney held a press conference to publicize the seizure and

had the trunks brought into Judge Sand's courtroom as physical evidence of brazen behavior. International's lawyers claimed -- correctly, it is now conceded -- that the papers were being sent to company headquarters in Zug so that U.S. counsel, who was in Zug to help organize the simultaneous production of AG documents, could quickly examine the International papers before turning them over to the prosecutors. International's lawyers said the government already had copies of the relevant documents and offered to have the trunks opened and examined to prove it. This offer was not accepted, but it was later acknowledged that the trunks contained no relevant documents.

To add to the bitterness of this case, the Swiss government began to act more decisively in defense of its laws. Swiss authorities made a raid on AG's headquarters in Zug and took control of a few documents which remained after a plane load of AG documents had been shipped to the United States. The Swiss later brought criminal proceedings against Rich, Green and numerous other AG employees who had handed other company documents over to the Americans in compliance with Judge Sand's order. The prosecutors, seeing all this activity, were reinforced in their belief that the Swiss government's actions were being unduly influenced by Marc Rich. The prosecutors, therefore, went after the documents

which had been seized by the Swiss with extreme aggressiveness. The Swiss, for their part, were offended at the prosecutors' assumption that Swiss laws deserved less respect than did U.S. statutes. The U.S.-Swiss dispute became yet another loud, long-running distraction from the substance of the case.

In September 1983, the indictment of AG, International, Rich and Green was filed. In it, the prosecutors alleged in general terms that International had violated the country's energy laws by earning excess profits and had concealed these profits by sending the money abroad. The indictment alleged that International had also committed tax fraud by failing to report the profits as taxable income. The offenses involved in these alleged frauds were used as the predicates for RICO charges. (Since the Rich indictment, and, in particular, after the Princeton Newport case, Department of Justice guidelines have explicitly directed U.S. Attorneys not to use tax fraud as a RICO predicate in cases like these.)

In addition, the indictment charged AG, International, Rich and Green with trading with an "enemy" of the United States by dealing with Iran during the hostage crisis -- though in fact transactions involving a foreign corporation (such as AG) and its U.S. agents were clearly exempt from the regulation. These charges were highlighted

in the press release announcing the indictment, and the press connected the charges to the 1980 hostage crisis.

We respectfully contend that, despite the uproar of the investigation, the indictment itself turned out to be deficient in its central arguments. The indictment alleged tax fraud, but if the payments to AG were properly considered as costs of obtaining domestic oil, there was no tax error, let alone tax fraud. According to scrupulous, independently arrived at analyses of the case by Professors Martin Ginsburg and Bernard Wolfman, the tax treatment of all the payments to AG was proper. In their view, International's tax returns and the treatment of the income as foreign source were accurate reflections of practices that were not only legal but clearly so, and further, the government probably could not even have won a civil tax case.

In addition to the tax charges, the indictment was full of language implying that the defendants were also guilty of various energy misdeeds -- but the same indictment made no actual energy violation charges against them. In a letter to the Court, the prosecutors expressly affirmed that they were not charging any of the defendants with any crimes of miscertification. The indictment did charge that International had fraudulently used the mails when it filed its energy returns, but there was no direct, independent charge that the defendants had violated the PAM rule. This decision on the prosecutors' part was understandable: Mail

fraud charges were not only comparatively simple ones to prove but, just as important, could serve as predicate offenses for RICO counts. Energy violations did not have such glamorous possibilities. Moreover, as we have seen, the state of the energy regulations made it virtually impossible to prosecute anyone successfully on energy charges.

But if AG and International's energy practices were not illegal, they were was not making the excess profits referred to in the indictment. If International was not making the excess profits, there was no energy fraud in reporting to DOE that there had been compliance with the PAM rule. So there was no energy fraud and, as we have seen, no tax fraud. But without these frauds, there were none of the predicate crimes that the prosecutors had cited as justifications for RICO charges.

Up until the time of the indictment, Rich's legal problems, large as they were, had not caused the businesses fatal trouble. But the inclusion of RICO in the September indictment affected them as traumatically as the threat of RICO had affected Rich himself months before. Along with the RICO charges came a comprehensive freeze on American assets. More serious, the prospect of RICO's third-party forfeitures made it impossible to place any limits on the hazards that other companies ran in dealing with AG or International.

Most important of all, the taint carried by the word "racketeer" swiftly frightened away major trading partners -- particularly abroad, where the term is still taken in its traditional sense. Shortly after the indictment, the Internal Revenue Service took the highly unusual step of making a jeopardy assessment of more than ninety million dollars against International without having audited its books. Yet by the time of this piling-on, AG and International were already collapsing. A corporate guilty plea followed inevitably.

The approximately one hundred fifty million dollars paid by International in taxes, penalties, fines and other charges was, said the U.S. Attorney, the largest sum in the history of the criminal tax laws. Mr. Giuliani displayed a check at the photo opportunity for the press. International and AG were, following the guilty pleas, allowed to conduct their business in the United States and throughout the world free of restraint or interference.

The error at the heart of the prosecution's case was its view that the offshore foreign oil transactions, which initiated and were essential to the other oil movements in these trades, in fact did not justify the sums remitted offshore. The prosecution built its case on the legally erroneous premise that the offshore transactions were completely unrelated to the domestic transactions despite clear

documentary evidence to the contrary. Erroneously dismissing the initiating offshore foreign oil transactions as though they were nonexistent, it fashioned alleged violations of law. On this foundation, energy and tax fraud charges were advanced. On top of the alleged energy and tax fraud, mail and wire fraud charges were erected. These predicate offenses, in turn, became the foundation for charges of RICO violations.

Meanwhile, some of the defense counsel, with a view colored by their own mistrust of the motives and conduct of the prosecution, took defensive steps that were viewed with suspicion and gave substantial ammunition to anyone who wanted to picture their clients as men who thought they had "stolen" their own car. Prosecution and defense hardly began to discuss the facts of the case. The dispute and the accompanying threats and publicity ballooned beyond all legitimate proportion.

The case involves many disturbing features, but at its core are transactions which were not criminal. It employed an unprecedented use of RICO that resulted in the defendants' capitulation, without trial, to the government's charges. We know that we have a heavy burden in satisfying the U.S. Attorney that he should reexamine this case. We know that the task of persuasion will take time and resources. But the circumstances of the case, the consequences

of its outcome, and the extraordinarily important questions of criminal law enforcement it poses, justify considering such a review.

Citation
20 U.S. Op. Atty. Gen. 330
1892 WL 269 (U.S.A.G.)
(Cite as: 20 U.S. Op. Atty. Gen. 330)

Found Document Rank 1 of 1 Database
USAG

United States Attorney General

AMNESTY.--POWER OF THE PRESIDENT.

March 9, 1892.

***330** The President has the constitutional power, without Congressional authority, to issue a general pardon or amnesty to classes of foreigners.

The question of the President's pardoning power reviewed and the authorities collated. Various proclamations of general amnesty appended.

The PRESIDENT.

SIR:

A petition has been presented to you, praying you to issue a pardon or amnesty to all persons residing in Utah Territory, who have been guilty of polygamy, unlawful ***331** cohabitation or adultery as denounced by the acts of March 22, 1882 (22 Stat., 30), and March 3, 1887 (24 Stat., 635). You have asked the opinion of the Attorney-General upon the question whether you have the constitutional power, without Congressional authority, to issue such a general pardon or amnesty. Upon this question the following is respectfully submitted:

Section 2 of Article II of the Constitution, in defining the powers of the President, provides that 'he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.'

It has been decided by the Supreme Court that the power herein conferred upon the President is unlimited (ex parte Garland, 4 Wall., 333). The pardon may be granted before or after conviction, and absolutely or upon conditions. The ground for the exercise of the power is wholly within the discretion of the Executive. He may, therefore, if he thinks fit, pardon an offender because his offense is one of many like offenses, arising from a widespread, popular feeling and without regard to the character or the particular circumstances of the individual. He may, for the same reason, grant, by separate acts of pardon, immunity from punishment to each of a thousand such offenders. If he may do so, it is difficult to see why he does not exercise the same power, when by public proclamation he extends a pardon to ten thousand offenders, without naming them, but describing them as persons committing, or participating in, the same kind of offenses.

It is said that the power to grant pardons is a power to examine the circumstances of each case and then confer immunity on the offender. If the right to pardon were dependent on the existence of any particular grounds in the case of each offender, the argument, it seems to me, would be of more force. There is, however, no such restriction on its exercise. The ground may be as properly one which has equally and the same application to ten thousand or a hundred thousand cases, as one which is peculiar to the case under

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consideration. If so, does not the contention in favor of the narrower view become an argument in favor of a formality rather than a substantial and logical distinction? No one will deny that the President, without Congressional ***332** authority, may issue separate pardons to every individual of the thousands of Mormons who have lived in polygamy in Utah. Only those would have to be omitted whose position is so obscure, or humble, that the President can not learn their names. Does not the power of amnesty, therefore, depend only on the question whether pardons can be made sufficiently definite in respect to the beneficiaries by a description other than by name? If the grantor is certain, the extent of the grant is certain, and the grantees are so described that they can be made certain, what is the inherent difference between the power involved in the grant of an individual pardon, and that in an amnesty to a class of persons to each one of whom the power to grant separate pardon, for a reason applicable to all, is conceded?

It is suggested that offenders can not be pardoned as a class any more than they can be tried and convicted as a class. This argument is not of force unless there is an analogy between a sentence of conviction and a pardon. The sentence is a judgment supported by a verdict rendered by a jury, on lawful evidence and full hearing, with the issue of the accused's guilt or innocence clearly defined. A pardon is a gracious act of mercy resting on any ground which the Executive may regard as sufficient to call for its exercise.

There is no hearing of evidence; there is no issue made. The recital in the act of pardon may show a ground which in law and logic would be wholly irrelevant to the guilt or character of the offender, and not in the slightest degree affect the validity of the pardon. State policy may require the Executive to grant it. Such considerations show the absence of any parallel between the trial of an offender and the exercise of Executive clemency in his case, and wholly destroys an analogy which would require the same procedure in both.

But it is urged against this view that it intrusts too great a power to the Executive. In what way? It only enables him to do that in one act which he might do by a thousand. The power which the Executive exercises is still the pardoning power, and that the Constitution gives him. It is no argument against its exercise that it may be abused. That is true of every power intrusted to the Executive.

On principle, it seems to me, therefore, the unlimited ***333** power to grant pardons for all offenses against the United States, except in cases of impeachment, includes power to issue a general pardon or amnesty to any class of offenders.

Practice and authority confirm this view. Alexander Hamilton, in the seventy-third number of the Federalist, referring to this clause of the Constitution, said:

'But the principal argument for reposing the power of pardoning in this case in the Chief Magistrate is this: In seasons of insurrection or rebellion there are often critical moments when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth and which, if suffered to pass unimproved, it may never be possible afterwards to recall. The dilatory process of convening the Legislature or one of its branches, for the purpose of obtaining its sanction to the measure, would frequently be the occasion of

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letting slip the golden opportunity.'

Such language leaves no doubt that in the mind of this, one of the greatest of the framers and expounders of the Constitution, the pardoning power included the authority to offer and grant pardon and amnesty to a whole body of insurgents or rebels, i. e., to a class of offenders. This language was quoted and used by Mr. Justice Story in his work on the Constitution. (Sec. 1500 et seq.)

The practice, contemporaneous with the adoption of the Constitution, supports the existence of the power of the President to grant amnesty without legislative sanction. In 1794 President Washington issued a proclamation extending pardon to the whisky insurrectionists, and Gen. Lee, as Commander-in- Chief of the United States forces, issued a similar proclamation in the name of the President, and by his authority. Copies of these proclamations are appended. Governor Mifflin, of Pennsylvania, acting under a constitutional authority conferred in the same words as that of the President, issued a similar proclamation of pardon (also appended) to the insurgents for their offenses against the State of Pennsylvania. President Adams issued a proclamation of pardon to the same insurgents in 1800, a copy of which is appended. President Madison granted pardon by proclamation to a class of offenders known as the 'Barataria' pirates, who were a large band of men engaged in smuggling ***334** and violations of the revenue and navigation laws of the United States. I have appended a copy of this proclamation. By the thirteenth section of the act of July 17, 1862 (12 Stat., 592), the President was authorized, at any time thereafter, by proclamation, to extend to persons participating in the then existing rebellion pardon and amnesty, with such exceptions and conditions as he should deem expedient. On December 8, 1863 (12 Stat., 737), President Lincoln issued a proclamation offering pardon and amnesty to the rebels. The recitals of this proclamation show that he did not admit that he had not the power to issue such a proclamation, without Congressional authority, but that he distinctly asserted the contrary. The two recitals on this subject are as follows: 'Whereas, in and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment and * * *

'Whereas * * * laws have been enacted by Congress * * * declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions, and at such times and on such conditions as he may deem expedient for the public welfare, and whereas the Congressional declarations for limited and conditional pardon accords with well-established judicial exposition of the pardoning power,' etc.

President Johnson issued several limited pardon proclamations of this character, and then in January, 1867 (14 Stat., 377), Congress repealed the amnesty section of the act of 1862. Thereafter, on September 7, 1867 (15 Stat., 699), he issued another limited and conditional pardon proclamation. On July 4, 1868 (15 Stat., 702), he issued a full and absolute pardon by proclamation to all rebels, except those who were under an indictment for treason, and by a proclamation of December 25, 1868 (15 Stat., 711), he extended full, absolute, and unconditional pardon to all who had taken part in the rebellion. President Johnson on July 3, 1866, issued a proclamation extending pardon to all deserters

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who should return to their colors. A copy of this order is appended. Again, on October 10, 1873, President Grant ***335** issued a proclamation pardoning all deserters who should return to the Army, which is also in the appendix.

We thus see that the contemporaneous exposition of the Constitution and the contemporaneous practice under it by the early Presidents, continued down to the period after the war, support the view that the power to grant pardons includes the power to grant pardons to a class by proclamations describing the class by the offense committed. The practice has been fully sustained by the Supreme Court of the United States.

In ex parte William Wells (18 How., 307) the question was whether the Constitution gave the President the power to commute a sentence of death to imprisonment for life. This is held to be a conditional pardon and within the power of the Executive. Referring to the significance of the word 'pardon,' Justice Wayne says, on page 310:

'In the law it has different meanings, which were as well understood when the Constitution was made as any other legal word in the Constitution now is. Such a thing as a pardon without a designation of its kind is not known in the law. Time out of mind, in the earliest books of the English law, every pardon has its particular denomination. They are general, special, or particular, conditional or absolute, not necessary in some cases, and in some grantable, of course.'

And, again, referring to the power under the Constitution, the same justice says:

'The real language of the Constitution is general, that is, common to the class of pardons, or extending the power to pardon to all kinds of pardons known to the law as such, whatever may be their denomination.'

The necessary effect of this language would seem to be that the power to pardon given the President includes the authority to issue general pardons.

In ex parte Garland (4 Wall., 333) the question was whether a statute which excluded from practice in the courts attorneys who had participated in the rebellion would operate to exclude one who had received full pardon for his offenses before trial. It was held that it could not. Mr. Justice Field delivered the opinion of the court and said, referring to the pardon clause of the Constitution:

'The power thus conferred is unlimited, with the exception ***336** stated--i. e., in cases of impeachment. It extends to every offense known to the law, and may be exercised at any time after its commission, either before legal proceedings are taken or during their pendency, or after conviction or judgment. This power of the President is not subject to legislative control; Congress can neither limit the effect of his pardon nor exclude from its exercise any class of offenders. The benign prerogative of mercy reposed in him can not be fettered by any legislative restrictions.'

In United States v. Padelford (9 Wall., 531) the effect of President Lincoln's proclamation of December 8, 1863, was under consideration, with respect to which the court say:

'This proclamation, if it needed legislative sanction, was fully warranted by the act of July 17, 1862, which authorized the President at any time thereafter to extend pardon and amnesty to persons who had participated in the rebellion, with such exceptions as he might see fit to make. That the President had power,

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if not otherwise, yet with the sanction of Congress, to grant a general conditional pardon has not been seriously questioned. And this pardon, by its terms, included restoration of all rights of property, except as to slaves and as against the intervening rights of third persons.'

Here is an intimation that in the mind of the court there was good ground for the contention that no legislative sanction was needed for the issuance by the Executive of a general conditional pardon.

In the case of the United States v. Klein (13 Wall., 128) the Chief Justice referred to the amnesty clause of the act of July 17, 1862, as follows:

'The suggestion of pardon by Congress, for such it was, rather than authority, remained unacted on for more than a year.'

Again, after referring to the proclamation of general conditional pardon issued while the amnesty clause of the act of July 17, 1862, was in force, the Chief Justice described the three proclamations issued by President Johnson after its repeal, the last one of which, as we have seen, conferred full pardon, unconditionally, on all participating in the rebellion, and then said:

'It is true that the section of the act of Congress which purported to authorize the proclamation of pardon and ***337** amnesty by the President was repealed on January 21, 1867; but this was after the close of the war, when the act had ceased to be important as an expression of the legislative disposition to carry into effect the clemency of the Executive, and after the decision of this court that the President's power of pardon 'is not subject to legislation;' that Congress can neither limit the effect of his pardon nor exclude from its exercise any class of offenders.'

Again, on page 147:

'It is the intention of the Constitution that each of the great coordinate departments of the Government--the legislative, executive and the judicial--shall be, in its sphere, independent of the others. To the Executive alone is intrusted the power of pardon, and it is granted without limit. Pardon includes amnesty. It blots out the offense pardoned, and removes all its penal consequences.'

It is perfectly clear from these extracts that in the opinion of the court the proclamation of absolute pardon, December 25, 1868, was entirely within the constitutional power of the President, though it may be admitted that it was not necessary to the conclusion in the Klein case, that it should be so decided.

In the case of Armstrong v. The United States (13 Wall., 154), however, the rights of the claimant against the United States rested solely on the proclamation of December 25, 1868, and the absolute and unconditional pardon thereby conferred and those rights were sustained.

Said the Chief Justice:

'The proclamation of the 25th of December granted pardon unconditionally and without reservation. This was a public act of which all courts of the United States are bound to take notice and to which all courts are bound to give effect. The claim of the petitioner was preferred within two years. The Court of Claims, therefore, erred in not giving the petitioner the benefit of the proclamation.'

This is an express holding that the proclamation of absolute and general pardon and amnesty is within the power of the President without legislative

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authority or sanction. This ruling has been followed in Pargoud v. The United States (13 Wall., 156); Carlisle v. The United States (16 Wall., 147); Knote v. The United States (95 U. S., 149).

***338** The only authority which can be cited against this view is the report of the Judiciary Committee of the Senate on the right of the President to issue the proclamation of December 25, 1868. This will be found in the bound volume of Senate Reports of the Fortieth Congress, third session, No. 239. They reported for adoption by the Senate the following resolution:

'Resolved, That in the opinion of the Senate the proclamation of the President of the United States of the 25th of December, 1868, purporting to grant general pardon and amnesty to all persons guilty of treason and acts of hostility to the United States during the late rebellion, with restoration of rights, etc., was not authorized by the Constitution or laws.'

And accompanied their recommendation with an argument in support thereof. Arguments on the subject by Senator Ferry and Senator Conkling will be found in Congressional Globe, third session Fortieth Congress, Part I., pp. 168, 438. I can not find that the resolution which was reported February 17, 1869 (Cong. Globe, 3d session 40th Cong., 1381), was ever adopted by the Senate. As the validity of the proclamation here condemned has been since four times sustained by the Supreme Court, the committee report can not now be considered an authority of weight.

A very full discussion of the power of the President to grant a general pardon or amnesty to a class of offenders will be found in the American Cyclopaedia, 1873, under the head of 'Amnesty.' There will be found a reference to the prerogative of the English Crown in granting pardons and an explanation of the statutes of amnesty passed by Parliament which clearly shows that the power existing in the Crown included power to issue general pardons. I have already taken too much space, and I forbear to discuss this aspect of the subject.

The same view has been taken in some of the State courts where acts of general amnesty passed by the State legislatures have been held invalid on the ground that such acts are an invasion of the pardoning power, which is exclusively vested in the Executive, by language in the State constitution similar to that of the Federal Constitution. See State v. Sloss (25 Mo., 291); The State v. Fleming (7 Humphreys, ***339** Tenn, 152); Haley v. Clark (26 Ala., 439); see also People v. Moore, (62 Mich., 496).

It is submitted that reason, practice, and authority established the constitutional power of the Executive, without legislative sanction, to issue proclamations extending pardon or amnesty to classes of offenders.

There are appended copies of the proclamations of general pardon and amnesty to which reference has been made in the foregoing opinion, for the reason that they are not found in the regular publications of the Statutes at Large, and some of them are not recorded in the State Department.

Very respectfully,

WM. H. TAFT,
Solicitor-General.

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I concur in this opinion.

W. H. H. MILLER.

PROCLAMATION GRANTING PARDON TO THE WESTERN INSURGENTS.

[Sparks' Life of Washington, vol. 12, p. 134, 135.]

Whereas the commissioners, appointed by the President of the United States to confer with the citizens in the western counties of Pennsylvania, during the late insurrection which prevailed therein, by their act and agreement, bearing date the 2d day of September last, in pursuance of the powers in them vested, did promise and engage, that, if assurances of submission to the laws of the United States should be bona fide given by the citizens resident in the fourth survey of Pennsylvania, in the manner and within the time in the said act and agreement specified, a general pardon should be granted, on the 10th day of July then next ensuing, of all treasons and other indictable offences against the United States, committed within the said survey before the 22d day of August last, excluding therefrom, nevertheless, every person who should refuse or neglect to subscribe such assurance and engagement in manner aforesaid, or who should after such subscription violate the same, or wilfully obstruct, or attempt to obstruct, the execution of the acts for raising a revenue on distilled spirits and stills, or be aiding or abetting therein;

And whereas, I have since thought proper to extend the said pardon to all persons guilty of the said treasons, misprisions of treason, or otherwise concerned in the late insurrection within the survey aforesaid, who have not since been indicted or convicted thereof, or of any other offense against the United States;

***340** Therefore be it known, that I, George Washington, President of the United States, have granted, and by these presents do grant, a full, free, and entire pardon to all persons (excepting as is hereinafter excepted, of all treasons, misprisions of treason, and other indictable offenses against the United States, committed within the fourth survey of Pennsylvania before the 22nd day of August last past, excepting and excluding therefrom, nevertheless, every person who refused or neglected to give and subscribe the said assurances in the manner aforesaid (or having subscribed, hath violated the same), and now standeth indicted or convicted of any treason, misprision of treason, or other offense against the said United States; hereby remitting and releasing unto all persons, except as before excepted, all penalties incurred, or supposed to be incurred, for, or on account of, the premises.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed, this tenth day of July, in the year of our Lord one thousand seven hundred and ninety-five, and the twentieth year of the independence of the said United States.

GEORGE WASHINGTON.

GENERAL LEE'S PROCLAMATION OF PARDON.

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20 U.S. Op. Atty. Gen. 330
(Cite as: 20 U.S. Op. Atty. Gen. 330, *340)

[Pennsylvania Archives, Vol. IV, pp. 479-80].

By Henry Lee, Governor of the Commonwealth of Virginia, Major-General therein, and Commander in Chief of the Militia Army, in the service of the United States.

A Proclamation.

By virtue of the powers and authority in me vested by the President of the United States, and in obedience to his benign intentions therewith communicated, I do, by this, my proclamation, declare and make known to all concerned, that a full, free, and entire pardon (excepting and providing as hereafter mentioned) is hereby granted to all persons residing within the counties of Washington, Allegheny, Westmoreland, and Fayette, in the State of Pennsylvania, and in the county of Ohio, in the State of Virginia, guilty of treason, misprision of treason against the United States, or otherwise directly or indirectly engaged in the wicked and unhappy tumults and disturbances lately existing in those counties, excepting, nevertheless, from the benefit and effect of this pardon, all persons charged with the commission of offenses against the United States, and now actually in custody or held by recognizance to appear and answer for such offenses at any judicial court or courts, excepting also, all persons avoiding fair trial by abandonment of their homes; and excepting, moreover, the following persons, the atrocity of whose conduct renders it proper to mark them by name for the purpose of subjecting them, with all possible certainty, to the regular course of judicial proceedings, and whom all officers, civil and military, are required to endeavor to apprehend and brought to justice, to-wit: Benjamin Parkinson, Arthur Gardner, John Holcraft, Daniel Hamilton, Tho. Lapsley, William Miller, Edward Cook, Edward Wright, Richard ***341** Holcraft, David Bradford, John Mitchell, Alexander Fulton, Thomas Spiers, William Bradford, Geo. Parker, Wm. Hanna, Edward Magner, Jr., Thos. Hughes, David Lock, Ebenezer Gallagher, Peter Lyle, John Shields, William Hay, William McElhenny, Tho. Patten, Stephenson Jack, Patrick Jack, and Andrew Highlands, in the State of Pennsylvania; and William Sutherland, Robert Stephenson, William McKinley, John Moore, and John McCormick, of Ohio county, in the State of Virginia.

Provided, That no person who shall hereafter willfully obstruct or attempt to obstruct the execution of any of the laws of the United States, or be in any wise aiding or abetting therein, shall be entitled to any benefit or advantage of the pardon hereinafter granted: And provided also, That nothing herein contained shall extend, or be construed to extend, to the remission or mitigation of any forfeiture of any penalty incurred by reason of infractions of, or obstructions to, the laws of the United States for collecting a revenue upon distilled spirits and stills.

Given under my hand, at headquarters, in Elizabeth Town, this twenty-ninth day of November, seventeen hundred and ninety-four.

HENRY LEE.

By order of the commander in chief.

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20 U.S. Op. Atty. Gen. 330
(Cite as: 20 U.S. Op. Atty. Gen. 330, *341)

G. K. TAYLOR, Aid-de-Camp.

GOVERNOR MIFFLIN'S PROCLAMATION OF PARDON

[Pennsylvania Archives, Vol. IV, pp. 536-39.]

WEDNESDAY, August 26, 1795.

The President of the United States having by his proclamation, dated the ___ day of August, instant, thought proper to extend the pardon of the Government of the United States to all persons who have been guilty of the treasons or misprisions of treason in his said proclamation mentioned, or who have been otherwise concerned in the late insurrection within the four western counties of this State, who have not since been indicted or convicted thereof, the Governor this day took the same into consideration, and being desirous on his part to pursue a like policy, as well on account of its humanity as for the sake of preserving uniformity in the proceedings of the General and State Governments in relation to the same important object, accordingly issued his proclamation in the words following, to wit:

Pennsylvania, ss:

In the name and by the authority of the Commonwealth of Pennsylvania, by Thomas Mifflin, Governor of the said Commonwealth:

A Proclamation.

Whereas at the commencement of the late insurrection in the western part of this State, constituting the fourth survey thereof, I deemed it expedient to attempt a vindication of the violated authority of the laws and the restoration of peace, harmony, and order by the influence of reason and lenity upon the minds of the deluded and refractory insurgents;

***342** And whereas the better to promote so desirable an object I appointed, authorized, and employed the Hon. Thomas McKean, Chief Justice of this Commonwealth, and Maj. Gen. William Irvine (with full confidence in their wisdom, prudence, and patriotism), as commissioners, to confer with the said insurgents, and on behalf of the Government of Pennsylvania to promise to them and every of them an aqt of pardon and oblivion for all past transgressions upon receiving a satisfactory assurance of a future submission to the laws;

And whereas the said commissioners in pursuance of the trust thus reposed in them did, by an instrument under their hands bearing date the twenty-fourth day of August, in the year one thousand seven hundred and ninety-four, promise upon certain terms and conditions of submission to the laws of this State and of the United States, to be made in the manner and within the time in the said instrument specified, that if the people of the said western counties should keep peace and be of good behavior until the first day of June, now last past, an act of free and general pardon and oblivion of all treasons, insurrections, arson, riots, and other offenses inferior to riots, committed, perpetrated,

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counseled, or suffered by any person or persons complying with the terms and conditions aforesaid, within the counties by the said commissioners specified, since the fourteenth day of July, in the year one thousand seven hundred and ninety-four, should be granted so far as the said offenses concerned the State of Pennsylvania or the government thereof.

And whereas it appears by a proclamation heretofore issued by the President of the United States that he has thought proper to extend the pardon of the Government of the United States to all persons who have been guilty of treasons or misprisions of treason in his said proclamation specified, or have been otherwise concerned in the said insurrection within the said survey, but who have not since been indicted or convicted thereof, and I am desirous, on my part, to pursue a like policy, as well on account of its humanity as for the sake of preserving uniformity in the proceedings of the General and State Governments, in relation to the same important object: Therefore, I, Thomas Mifflin, governor of the Commonwealth of Pennsylvania, have granted and by these presents do grant a full, free, and entire pardon to all persons (not included in the exception hereinafter declared) of all treasons, insurrections, arsons, riots, and other offenses inferior to riots, committed within the said fourth survey, between the said fourteenth day of July and the twenty-second day of August, in the year one thousand seven hundred and ninety-four, and which may have been and are indictable offenses against the said State of Pennsylvania, together with a free and entire remission and release of all fines, forfeitures, and penalties consequent thereon, excepting and excluding always, nevertheless, from all the benefit and advantage or any claim to the benefit and advantage of the pardon hereby granted every person who has either refused to give the assurance of submission stipulated and required as aforesaid, or who, having given the same, shall afterwards have deviated therefrom, and now actually stands indicted or convicted of any offense against the State of Pennsylvania.

***343** Given under my hand and the great seal of the State, at Philadelphia, the twenty-sixth day of August, in the year of our Lord one thousand seven hundred and ninety-five and of the Commonwealth the twentieth.

THOMAS MIFFLIN.

By the Governor.

A. J. DALLAS,

Secretary of the Commonwealth.

PROCLAMATION GRANTING PARDON TO THE PENNSYLVANIA INSURGENTS, MAY 21, 1800.

[From the Life and Works of John Adams, Vol. IX, pp. 178, 179.]

Whereas the late wicked and treasonable insurrection against the just authority of the United States of sundry persons in the counties of Northampton, Montgomery, and Bucks, in the State of Pennsylvania, in the year 1799, having been speedily suppressed, without any of the calamities usually attending

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rebellion, whereupon peace, order, and submission to the laws of the United States were restored in the aforesaid counties, and the ignorant, misguided, and misinformed in the counties have returned to a proper sense of their duty, whereby it is become unnecessary for the public good that any future prosecutions should be commenced or carried on against any person or persons by reason of their being connected in the said insurrection:

Wherefore be it known that I, John Adams, President of the United States of America, have granted, and by these presents do grant, a full, free, and absolute pardon to all and every person or persons concerned in the said insurrection, excepting as hereinafter excepted, of all treasons, misprisions of treason, felonies, misdemeanors, and other crimes by them respectively done or committed against the United States in either of the said counties before the twelfth day of March, in the year one thousand seven hundred and ninety-nine, excepting and excluding therefrom every person who now standeth indicted or convicted of any treason, misprision of treason, or other offense against the United States, whereby remedying and releasing unto all persons, except as before excepted, all pains and penalties incurred or supposed to be incurred for or on account of the premises.

Given, etc.

JOHN ADAMS.

[From the Archives of the State Department.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Among the many evils produced by the wars, which, with little intermission, have afflicted Europe, and extended their ravages into other quarters of the globe, for a period exceeding twenty years, the dispertion of a considerable portion of the inhabitants of different counties, in sorrow and in want, has not been the least injurious to human happiness, nor the least severe in the trial of human virtue.

It had been long ascertained that many foreigners flying from the ***344** dangers of their own home, and that some citizens forgetful of their duty, had cooperated in forming an establishment on the Island of Barrataria, near the mouth of the river Mississippi, for the purposes of a clandestine and lawless trade.

The Government of the United States caused the establishment to be broken up and destroyed; and having obtained the means of designating the offenders of every description, it only remained to answer the demands of justice by inflicting an exemplary punishment.

But it has since been represented that the offenders have manifested a sincere penitence; that they have abandoned the prosecution of the worse cause for the support of the best, and particularly that they have exhibited in the defense of New Orleans unequivocal traits of courage and fidelity. Offenders who

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have refused to become associates of the enemy in the war upon the most seducing terms of invitation, and who have aided to repel his hostile invasion of the territory of the United States, can no longer be considered as objects of punishment, but as objects of a generous forgiveness.

It has therefore been seen with great satisfaction that the general assembly of the State of Louisiana earnestly recommend those offenders to the benefit of a full pardon; and in compliance with that recommendation, as well as in consideration of all the other extraordinary circumstances of the case, I, James Madison, President of the United States of America, do issue this proclamation, hereby granting, publishing, and declaring a free and full pardon of all offenses committed in violation of any act or acts of the Congress of the said United States touching the revenue, trade, and navigation thereof, or touching the intercourse and commerce of the United States with foreign nations, at any time before the eighth day of January, in the present year one thousand eight hundred and fifteen, by any person or persons whomsoever, being inhabitants of New Orleans and the adjacent country, or being inhabitants of the said Island of Barataria and the places adjacent: Provided that every person claiming the benefit of this full pardon, in order to entitle himself thereto, shall produce a certificate in writing from the governor of the State of Louisiana stating that such person has aided in the defense of New Orleans and the adjacent country during the invasion thereof as aforesaid.

And I do hereby further authorize and direct all suits, indictments, and prosecutions for fines, penalties, and forfeitures against any person or persons who shall be entitled to the benefit of this full pardon forthwith to be stayed, discontinued, and released. And all civil officers are hereby required, according to the duties of their respective stations, to carry this proclamation into immediate and faithful execution.

Done at the city of Washington the sixth day of February, in the year one thousand eight hundred and fifteen, and of the Independence of the United States the thirty-ninth.

(Signed) JAMES MADISON.

By the President:

(Signed) JAMES MONROE,

Acting as Secretary of State.

***345** General Orders, No. 43.]

WAR DEPARTMENT,

ADJUTANT--GENERAL'S OFFICE,

Washington, July 3, 1866.

OFFER OF PARDON TO DESERTERS FROM THE REGULAR ARMY WHO SURRENDER.

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20 U.S. Op. Atty. Gen. 330
(Cite as: 20 U.S. Op. Atty. Gen. 330, *345)

By direction of the President, all deserters from the regular Army who voluntarily join their regiments or surrender themselves at any military post or recruiting rendezvous before the 15th of August, 1866, will be returned to duty without trial or punishment, on condition that they make good the time lost by desertion, and forfeit all pay and allowance for the time of their absence.

Such deserters as, under this order, surrender themselves at any other place than the stations of their regiment will be subject to assignment to other regiments, as if they were unattached recruits.

By order of the Secretary of War:

E. D. TOWNSEND,

Assistant Adjutant-General.

Official:

ASSISTANT ADJUTANT-GENERAL.

General Orders, No. 102.]

WAR DEPARTMENT,

ADJUTANT-GENERAL'S OFFICE,

Washington, October 10, 1873.

The President of the United States commands it to be made known that all soldiers who have deserted their colors, and who shall, on or before the 1st day of January, 1874, surrender themselves at any military station, shall receive a full pardon, only forfeiting the pay and allowances due them at the time of desertion; and shall be restored to duty without trial or punishment on condition that they faithfully serve through the term of their enlistment.

By order of the Secretary of War.

E. D. TOWNSEND,

Adjutant-General.

Official.

ASSISTANT ADJUTANT-GENERAL.
20 U.S. Op. Atty. Gen. 330, 1892 WL 269 (U.S.A.G.)
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Proclamation 6518

Grant of Executive Clemency

December 24, 1992

***62145** By the President of the United States of America

A Proclamation

Today I am exercising my power under the Constitution to pardon former Secretary of Defense Caspar Weinberger and others for their conduct related to the Iran-Contra affair.

For more than 6 years now, the American people have invested enormous resources into what has become the most thoroughly investigated matter of its kind in our history. During that time, the last American hostage has come home to freedom, worldwide terrorism has declined, the people of Nicaragua have elected a democratic government, and the Cold War has ended in victory for the American people and the cause of freedom we championed.

In the mid 1980's, however, the outcome of these struggles was far from clear. Some of the best and most dedicated of our countrymen were called upon to step forward. Secretary Weinberger was among the foremost.

Caspar Weinberger is a true American patriot. He has rendered long and extraordinary service to our country. He served for 4 years in the Army during World War II where his bravery earned him a Bronze Star. He gave up a lucrative career in private life to accept a series of public positions in the late 1960's and 1970's, including Chairman of the Federal Trade Commission, Director of the Office of Management and Budget, and Secretary of Health, Education, and Welfare. Caspar Weinberger served in all these positions with distinction and was admired as a public servant above reproach.

He saved his best for last. As Secretary of Defense throughout most of the Reagan Presidency, Caspar Weinberger was one of the principal architects of the downfall of the Berlin Wall and the Soviet Union. He directed the military renaissance in this country that led to the breakup of the communist bloc and a new birth of freedom and democracy. Upon his resignation in 1987, Caspar Weinberger was awarded the highest civilian medal our Nation can bestow on one of its citizens, the Presidential Medal of Freedom.

Secretary Weinberger's legacy will endure beyond the ending of the Cold War. The military readiness of this Nation that he in large measure created could not have been better displayed than it was 2 years ago in the Persian Gulf and today in Somalia.

As Secretary Weinberger's pardon request noted, it is a bitter irony that on the day the first charges against Secretary Weinberger were filed, Russian President Boris Yeltsin arrived in the United States to celebrate the end of the Cold War. I am pardoning him not just out of compassion or to spare a 75- year-

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old patriot the torment of lengthy and costly legal proceedings, but to make it possible for him to receive the honor he deserves for his extraordinary service to our country.

Moreover, on a somewhat more personal note, I cannot ignore the debilitating illnesses faced by Caspar Weinberger and his wife. When he resigned as Secretary of Defense, it was because of his wife's cancer. In the years since he left public service, her condition has not improved. In addition, since that time, he also has become ill. Nevertheless, Caspar Weinberger ***62146** has been a pillar of strength for his wife; this pardon will enable him to be by her side undistracted by the ordeal of a costly and arduous trial.

I have also decided to pardon five other individuals for their conduct related to the Iran-Contra affair: Elliott Abrams, Duane Clarridge, Alan Fiers, Clair George, and Robert McFarlane. First, the common denominator of their motivation--whether their actions were right or wrong--was patriotism. Second, they did not profit or seek to profit from their conduct. Third, each has a record of long and distinguished service to this country. And finally, all five have already paid a price--in depleted savings, lost careers, anguished families--grossly disproportionate to any misdeeds or errors of judgment they may have committed.

The prosecutions of the individuals I am pardoning represent what I believe is a profoundly troubling development in the political and legal climate of our country: the criminalization of policy differences. These differences should be addressed in the political arena, without the Damocles sword of criminality hanging over the heads of some of the combatants. The proper target is the President, not his subordinates; the proper forum is the voting booth, not the courtroom.

In recent years, the use of criminal processes in policy disputes has become all too common. It is my hope that the action I am taking today will begin to restore these disputes to the battleground where they properly belong.

In addition, the actions of the men I am pardoning took place within the larger Cold War struggle. At home, we had a long, sometimes heated debate about how that struggle should be waged. Now the Cold War is over. When earlier wars have ended, Presidents have historically used their power to pardon to put bitterness behind us and look to the future. This healing tradition reaches at least from James Madison's pardon of Lafitte's pirates after the War of 1812, to Andrew Johnson's pardon of soldiers who had fought for the Confederacy, to Harry Truman's and Jimmy Carter's pardons of those who violated the Selective Service laws in World War II and Vietnam.

In many cases, the offenses pardoned by these Presidents were at least as serious as those I am pardoning today. The actions of those pardoned and the decisions to pardon them raised important issues of conscience, the rule of law, and the relationship under our Constitution between the government and the governed. Notwithstanding the seriousness of these issues and the passions they aroused, my predecessors acted because it was time for the country to move on. Today I do the same.

Some may argue that this decision will prevent full disclosure of some new key fact to the American people. That is not true. This matter has been investigated exhaustively. The Tower Board, the Joint Congressional Committee charged with

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(Cite as: 57 FR 62145, *62146)

investigating the Iran-Contra affair, and the Independent Counsel have looked into every aspect of this matter. The Tower Board interviewed more than 80 people and reviewed thousands of documents. The Joint Congressional Committee interviewed more than 500 people and reviewed more than 300,000 pages of material. Lengthy committee hearings were held and broadcast on national television to millions of Americans. And as I have noted, the Independent Counsel investigation has gone on for more than 6 years, and it has cost more than $31 million.

Moreover, the Independent Counsel stated last September that he had completed the active phase of his investigation. He will have the opportunity to place his full assessment of the facts in the public record when he submits his final report. While no impartial person has seriously suggested that my own role in this matter is legally questionable, I have further requested that the Independent Counsel provide me with a copy of my sworn testimony to his office, which I am prepared to release immediately. And I understand Secretary Weinberger has requested the release of all of his notes pertaining to the Iran-Contra matter.

***62147** For more than 30 years in public service, I have tried to follow three precepts: honor, decency, and fairness. I know, from all those years of service, that the American people believe in fairness and fair play. In granting these pardons today, I am doing what I believe honor, decency, and fairness require.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, pursuant to my powers under Article II, Section 2, of the Constitution, do hereby grant a full, complete, and unconditional pardon to Elliott Abrams, Duane R. Clarridge, Alan Fiers, Clair George, Robert C. McFarlane, and Caspar W. Weinberger for all offenses charged or prosecuted by Independent Counsel Lawrence E. Walsh or other member of his office, or committed by these individuals and within the jurisdiction of that office.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Pres. Proc. No. 6518, 57 FR 62145, 1992 WL 388556 (Pres.)
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MINORITY VIEWS OF HON. HENRY A. WAXMAN, HON. TOM LANTOS, HON. MAJOR R. OWENS, HON. EDOLPHUS TOWNS, HON. PAUL E. KANJORSKI, HON. PATSY T. MINK, HON. BERNARD SANDERS, HON. ELEANOR HOLMES NORTON, HON. ELIJAH E. CUMMINGS, HON. DENNIS J. KUCINICH, HON. DANNY K. DAVIS, HON. THOMAS H. ALLEN, HON. JANICE D. SCHAKOWSKY, AND HON. DIANE E. WATSON

On his last day in office, President Clinton issued 140 pardons and 36 commutations. Several were controversial, particularly the pardon of Marc Rich, and prompted criticism from across the political spectrum. Some of the most vocal critics were those who had been strong supporters and often defenders of President Clinton. For example, Sen. Charles Schumer said, "There can be no justification in pardoning a fugitive from justice. Pardoning a fugitive stands our justice system on its head and makes a mockery of it." [1] Rep. Barney Frank likewise said, "It was a real betrayal by Bill Clinton of all who had been strongly supportive of him to do something this unjustified. It was contemptuous." [2]

These sentiments were echoed by the Democratic members of this Committee. Rep. Henry Waxman said, "The Rich pardon is bad precedent. It appears to set a double standard for the wealthy and powerful. And it is an end run around the judicial process." [3] At a Committee hearing on the Marc Rich pardon, Rep. Elijah Cummings expressed the view of many members when he said:

> It's one thing to go to trial. It's one thing to stay here and face the music. It's one thing to be found not guilty. It's a whole other thing, in my opinion, when somebody, because they have the money, can go outside the country and evade the system. I tell you it really concerns me because my constituents have a major problem with that, and I do, too.[4]

Chairman Burton could have chosen to build upon this consensus. He could have conducted a focused and bipartisan inquiry, issued a report that set out the facts for the public, and avoided the partisanship that has hampered this Committee's work over the past five years.[5] Unfortunately, he chose to do the opposite.

The Committee's investigation continued more than a year after Republican congressional leaders themselves acknowledged it

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[1] *U.S. Attorney: Was Clinton Bribed? Feds Hunting for Link Between Rich Pardon and Campaign Contributions*, Chicago Sun-Times (Feb. 15, 2001).

[2] E.J. Dionne Jr., *And the Gifts that Keep on Giving*, Washington Post (Feb. 6, 2001).

[3] House Committee on Government Reform, *Hearings on the Controversial Pardon of International Fugitive Marc Rich*, 37, 107th Cong., 1st Sess. (Feb. 8, and Mar. 1, 2001) (hereinafter "Pardon Hearings, Day One or Day Two").

[4] *Id.* at 164–65.

[5] *See* Minority Staff Report, House Committee on Government Reform, *Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration* (March 2001) (Exhibit 1).

should have ended. In an interview broadcast nationally on March 10, 2001, House Speaker Dennis Hastert said, "I think, probably from my point of view, about all that information [that] is going to come out, has come out" and "I think this is kind of winding down on its own."[6] Senator Trent Lott, then Majority Leader, expressed similar sentiments, stating: "I'd be inclined to move on."[7]

Rather than wind down the investigation, Chairman Burton chose to expand its scope. What began in January 2001 as an inquiry into the pardon of Marc Rich rapidly multiplied to include dozens of other requests for executive clemency. The majority report states that "the Committee limited its investigation to pardons and commutations where there was no credible explanation for the grant of clemency, and where there was an appearance of impropriety relating to inappropriate access or corruption."[8] But as reflected in its voluminous report, the majority not only investigated requests for clemency that President Clinton chose to grant, it investigated requests that President Clinton denied.[9] The majority also devoted great attention to requests for clemency that were pondered but never even submitted to the Justice Department or the White House for consideration.[10] It even examined unsuccessful efforts by Roger Clinton, the President's half-brother, to assist a federal inmate in his petition for parole;[11] Roger Clinton's purported role in unsuccessful efforts by the head of an association to obtain the Secretary of Transportation as a speaker for a symposium;[12] and Roger Clinton's apparent acceptance of fees to lobby the Administration to ease Cuban travel restrictions.[13]

As part of this far-flung enterprise, Chairman Burton unilaterally issued 153 subpoenas and requests for documents. Of these, fewer than one-third included requests for records relating to the pardon of Marc Rich. The remainder focused on members of President Clinton's family. Seventy-five related to Roger Clinton, twenty-three related to Hugh Rodham, and eight related to Tony Rodham. In response to these requests for documents, private parties and government agencies produced nearly 25,000 pages of documents.

In the end, the majority's investigation sheds little new light. It is primarily a collection of unsupported and irresponsible statements. The majority report repeatedly suggests that corruption by President Clinton or his Administration may explain the Rich pardon. For example, the majority states that notes of a conversation between President Clinton and former Israeli Prime Minister Ehud Barak "raise[] the possibility that either Barak or Clinton acted on

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[6] *Hastert Backs Off Pardon Probe*, Chicago Tribune (Mar. 11, 2001); *see* Letter from Rep. Henry Waxman to Chairman Dan Burton (Mar. 15, 2001) (Exhibit 2).

[7] *Hastert Backs Off Pardon Probe,* Chicago Tribune (Mar. 11, 2001).

[8] Majority Report, Introduction, at 3.

[9] For example, the majority devotes an entire chapter of its report to efforts by Roger Clinton to obtain clemency for others, even though none of the people Roger Clinton recommended for clemency ever received it from President Clinton. *See* Majority Report, Chapter Two, at 709–831.

[10] For example, the majority report devotes great attention to allegations that Roger Clinton participated in a scheme to sell a pardon to Garland Lincecum, a petition for whom was apparently never submitted to the Justice Department or White House. *See* Majority Report, Chapter Two, at 777–798. These allegations have been denied by Roger Clinton. *Swindle is Reported to Use the Name of Roger Clinton*, New York Times (June 21, 2001).

[11] Majority Report, Chapter Two, at 731–776.

[12] *Id.* at 725–31.

[13] *Id.* at 723–25.

the Rich matter because of some promise of future financial return."[14] And the majority accuses President Clinton of making "false and misleading statements."[15]

The majority also makes serious allegations of wrongdoing against other Administration officials. Most notably, the majority accuses Deputy Attorney General Eric Holder of deliberately cutting out other Justice Department officials in an effort to assist with the Rich petition.[16] It suggests, moreover, that Mr. Holder did this because he believed Jack Quinn could help him become Attorney General in a possible Gore Administration.[17]

There is a critical difference, however, between bad judgment and the corruption the majority hints at—but never establishes—in its report. The Rich pardon is indisputably a case of bad judgment. As wealthy fugitives, Marc Rich and his associate Pincus Green did not deserve the pardons they received from President Clinton. But it is equally evident that the sprawling record assembled by the Committee does not support the allegation that President Clinton or any other Administration official was bribed or otherwise corrupted.

Early in the investigation, former White House Chief of Staff John Podesta, former White House Counsel Beth Nolan, and former Deputy White House Counsel Bruce Lindsey appeared before the Committee to explain the decision-making behind the Rich pardon. Each of these eyewitnesses testified that while they disagreed with the President's decision, they believed that he made a decision based on his evaluation of the merits and had no reason to believe that a quid pro quo or any other improper consideration influenced his exercise of the pardon power.[18] There is nothing in the record before the Committee that contradicts this testimony.

In reality, what happened was that in the waning hours of the Administration, the process broke down, and President Clinton and other officials exercised poor judgment. Beth Nolan explained that in late 1999 or early 2000, President Clinton told her that he "wanted to exercise the pardon power more than he had in the past, that he felt he hadn't exercised it fully, and he wanted to be sure that we had a process in place to be sure that pardons moved quickly through the process."[19] Ms. Nolan communicated the President's instructions to speed up the review process to the Deputy Attorney General and the Justice Department's Pardon Attorney in several meetings beginning in early 2000.

As Ms. Nolan testified, however, these efforts produced "no movement."[20] She testified that by the fall of 2000, the Pardon Attorney had indicated that he would not process any more pardon applications.[21] But despite this development, President Clinton insisted on exercising his prerogative to receive and consider requests for clemency, even up until his last day in office. Under these circumstances, and working against the clock, the White House and

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[14] Majority Report, Executive Summary, at 6.
[15] Majority Report, Chapter One, at 258.
[16] *Id.* at 213.
[17] *Id.* at 214.
[18] *E.g.,* Pardon Hearings, Day Two, at 318, 328, 335, 337.
[19] *Id.* at 100.
[20] *Id.* at 102.
[21] *Id.* at 342.

Justice Department officials responsible for assisting the President could not and did not conduct a full and appropriate review of every petition.

The Marc Rich pardon was an outgrowth of this flawed procedure. It was the product of a rushed and one-sided process, and it reflected deeply flawed judgment by the President. It was not, however, the criminal conspiracy that the majority insinuates.

I. UNFOUNDED ALLEGATIONS OF WRONGDOING INVOLVING PRESIDENT CLINTON

Article II, section 2 of the Constitution grants the President "Power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." The Framers of the Constitution intentionally vested the pardon power in one person who would have sole discretion to make decisions and bear full responsibility for the consequences.[22] In 1788, Alexander Hamilton explained why it should be so:

> Humanity and good policy conspire to dictate that the benign prerogative of pardoning should be as little as possible fettered or embarrassed. . . . As the sense of responsibility is always strongest in proportion as it undivided, it may be inferred that a single man would be most ready to attend to the force of those motives, which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations, which were calculated to shelter a fit object of its vengeance.[23]

As the person entrusted with the pardon power, President Clinton should bear the full responsibility and the brunt of the criticism for disarray in the clemency review process and for his controversial decisions. This criticism has properly been widespread and vociferous. As one commentator noted, President Clinton's "truly remarkable achievement was in creating a consensus against himself with his pardon of March Rich."[24]

Unfortunately, as with the Committee's past investigations of the Clinton Administration, the majority's report goes too far. The report does not recite facts and draw reasonable conclusions. Instead, the report intersperses suppositions with facts and draws every possible inference against President Clinton, those who assisted him in making clemency decisions, and individuals who advocated clemency for others. Moreover, the report unfairly questions the

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[22] Despite the existence of guidelines on the subject, such as those set out in Title 28 of the Code of Federal Regulations, the clemency power is reserved exclusively to the President under the Constitution. It cannot be constrained by any executive branch regulations or by the judgments of any of the President's subordinates. Indeed, even the majority acknowledges this point. Majority Report, Introduction, at 29. The clemency power also cannot be constrained by Congress. The Supreme Court has made clear that the power "flows from the Constitution alone, not from any legislative enactments, and that it cannot be modified, abridged, or diminished by the Congress." *Schick v. Reed*, 419 U.S. 256, 268 (1974). For this reason, some observers have questioned the power of Congress even to investigate the President's clemency decisions. For example, Stanley Brand, who served as General Counsel to the House of Representatives from 1976 to 1984, opined that the pardon controversy was not a subject "on which legislation could be had" and was therefore a matter outside the bounds of legitimate congressional inquiry. *See* Stanley M. Brand, *A Pardon Probe: It's None of Congress's Business*, Washington Post (Feb. 28, 2001).

[23] The Federalist No. 74, at 377 (Alexander Hamilton) (Gary Wills ed., 1982).

[24] E.J. Dionne Jr., *And the Gifts that Keep on Giving*, Washington Post (Feb. 6, 2001).

motives and integrity of individuals, and makes numerous unsubstantiated allegations of wrongdoing.

The following discussion summarizes some of the major allegations involving President Clinton in the majority report and then compares them to the facts in the record before the Committee.

- **Allegation: It is possible that President Clinton "acted on the Rich matter because of some promise of future financial return."[25]**

The Facts: The majority, interpreting a gap in notes of a conversation between President Clinton and former Israeli Prime Minister Ehud Barak, suggests that President Clinton pardoned Marc Rich on the promise of future financial return, a federal felony. The majority report states:

> Barak had met with Rich personally, and told Clinton that the Rich pardon "could be important . . . not just financially, but he helped Mossad on more than one case." Barak's statement raises the possibility that either Barak or Clinton acted on the Rich matter because of some promise of future financial return.[26]

As the majority report later acknowledges, these typewritten notes specify that there is a gap in the note taking, and the reference may relate to Mr. Rich's past financial support for the State of Israel.[27] The majority has not and cannot cite to any evidence that President Clinton acted on the Rich matter because he expected a financial benefit. The majority's innuendo is irresponsible and contradicted by the overwhelming evidence before the Committee.

- **Allegation: President Clinton "may be attempting to use former Israeli Prime Minister Ehud Barak's interest in the Rich matter as a cover for his own motivations for granting the Rich pardon."[28]**

The Facts: President Clinton, in an op-ed published in the New York Times, explained that one of the reasons he granted Marc Rich a pardon was because former high-ranking Israeli officials and Jewish community leaders had urged the pardon.[29] The majority disputes this explanation and concludes that President Clinton was simply using Prime Minister Barak's interest as pretext. As explanation, the majority states: "An examination of the transcripts of the calls [between President Clinton and Prime Minister Barak] shows that Barak did not make a particularly impassioned plea for Rich."[30] The majority offers no other support for its unsubstantiated conclusion.

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[25] Majority Report, Executive Summary, at 6.
[26] *Id.*
[27] Majority Report, Chapter One, at 227.
[28] *Id.* at 103.
[29] *See* William Jefferson Clinton, *My Reasons for the Pardons*, New York Times (Feb. 18, 2001).
[30] Majority Report, Chapter One, at 103.

- **Allegation: President Clinton has failed to offer a full accounting of his decision to issue the Marc Rich and Pincus Green pardons.[31]**

The Facts: With the possible exception of President Gerald Ford, who personally testified before the House Judiciary Committee about his pardon of Richard Nixon, no President has given a more complete accounting of a clemency decision than has President Clinton on his decision to pardon Marc Rich and Pincus Green.

As the majority notes in its report, President Clinton took the extraordinary step of waiving all executive privilege claims with respect to the testimony of former White House officials.[32] He allowed his most senior advisors and lawyers to testify before this Committee, not only with respect to the Rich pardon, but other requests for clemency as well. John Podesta, President Clinton's former Chief of Staff, Beth Nolan, the former Counsel to the President, and Bruce Lindsey, Assistant and Deputy Counsel to the President, all answered detailed questions for more than six and half hours about their deliberative process, confidential internal communications, and personal recommendations to the President.[33] Moreover, President Clinton waived executive privilege and allowed Committee staff to review the raw notes of conversations he had with another head of state, former Prime Minister Ehud Barak. The Committee would never have been able to obtain such detailed information about the clemency decisions without the willing cooperation of President Clinton.[34]

In addition to making his former staff available for interrogation, President Clinton published a written explanation for his pardons of Marc Rich and Pincus Green.[35] He laid out several reasons for the pardons that he understood to be true at the time: (1) He understood that oil companies that had structured transactions like Mr. Rich and Mr. Green had been sued civilly rather than prosecuted criminally; (2) he was told that in 1985, the Energy Department had found in a related case that the manner in which Mr. Rich's companies had accounted for the transactions at issue was proper; (3) two highly regarded tax experts concluded that the companies had adhered to the tax law; (4) the companies had paid approximately $200 million in fines, penalties, and taxes to resolve the case; (5) in 1989, the Justice Department rejected the use of racketeering statutes in tax cases, such as the case against Mr. Rich and Mr. Green; (6) he understood that the Deputy Attorney General was "neutral, leaning for" the pardons; (7) the case was reviewed and advocated by his former White House Counsel Jack Quinn and three distinguished Republican lawyers: Leonard Gar-

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[31] *Id.* at 105.

[32] Majority Report, Introduction, at 38.

[33] Pardon Hearings, Day Two, at 279–437.

[34] Attempting to contrast the explanation offered by President Clinton, the majority cites with approval a "full accounting" published by President Bush to explain his 1992 pardon of Caspar Weinberger and others involved in the Iran-Contra matter. *See* Majority Report, Introduction, at 25. President Bush's explanation, however, does little more than identify Mr. Weinberger as "a true American patriot," note the length of various investigations into the Iran-Contra Affair, and criticize the "criminalization of policy decisions." *See* Proclamation 6518, 57 Fed. Reg. 62145 (Dec. 24, 1992). Unlike President Clinton's published explanation, *see infra* note 35 and accompanying text, President Bush's explanation made no attempt to address the criminal conduct alleged against Mr. Weinberger and gave no substantive explanation as to why he believed a pardon was justified.

[35] William Jefferson Clinton, *My Reasons for the Pardons*, New York Times (Feb. 18, 2001).

ment, William Bradford Reynolds, and Lewis Libby;[36] and (8) most importantly, former high-ranking Israeli officials and Jewish community leaders had urged the pardon.[37]

- **Allegation: President Clinton's written explanation for the Marc Rich pardon is "rife with false and misleading statements."[38]**

The Facts: In its report, the majority dismisses President Clinton's explanation, reaching the inflammatory conclusion that "it was rife with false and misleading statements" and left the Committee "wondering what the President's true motivations were."[39] While the majority may legitimately question the merit of President Clinton's decision, its report provides no basis for the claim that his explanation was not creditable.

Lawyers not involved in the pardon effort, such as Harvard Law School Professor Alan Dershowitz, supported President Clinton's decision.[40] In addition, one prominent Bush Administration official who testified before the Committee—Lewis "Scooter" Libby—agreed with most of the reasons given by President Clinton for the pardons.[41] Mr. Libby represented Marc Rich before his decision to seek a pardon and now serves as Chief of Staff to Vice President Cheney. Testifying after two former federal prosecutors laid out the strength of their case against Mr. Rich, Mr. Libby flatly stated: "I believe that the Southern District of New York misconstrued the facts and the law, and looking at all of the evidence of the defense he had not violated the tax laws."[42] Mr. Libby testified, moreover, that if he had been asked to pursue a pardon during his representation of Mr. Rich, he could have put together a strong and defensible case for clemency.[43]

The fact that lawyers like Mr. Libby believe Mr. Rich had a defensible case for a pardon does not make the President's decision right. But it does indicate that it was possible for the President to reach the decision he did without being corrupt or deceptive.

- **Allegation: President Clinton "encouraged Roger Clinton to capitalize on their relationship."[44]**

The Facts: In its report, the majority states as a "finding of the Committee" that "President Clinton encouraged Roger Clinton to capitalize on their relationship" and that he "instructed Roger Clinton to use his connections to the Administration to gain financial advantage."[45] The majority makes similar allegations elsewhere in this chapter. For example, it states:

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[36] As the majority notes in its report, an initial draft of the statement incorrectly stated that the "applications were reviewed and advocated" by Mr. Garment, Mr. Reynolds, and Mr. Libby. (*See* Majority Report, Chapter One, at 261). President Clinton's representatives notified the *New York Times* of the mistake, which corrected the piece in most printed editions and published a correction. (*See Editors' Note*, New York Times (Feb. 19, 2001).)

[37] William Jefferson Clinton, *My Reasons for the Pardons*, New York Times (Feb. 18, 2001).

[38] Majority Report, Chapter One, at 258.

[39] *Id.* at 258, 262.

[40] Letter from Alan M. Dershowitz to Mike Tirone, Producer, *Hardball With Chris Matthews* (Jan. 25, 2001) (Exhibit 3).

[41] Pardon Hearings, Day 2, at 477–78.

[42] *Id.* at 485.

[43] *Id.* at 522.

[44] Majority Report, Chapter Two, at 709.

[45] *Id.*

> Roger Clinton repeatedly treated his relationship to President Clinton as a commodity to be sold to the highest bidder. . . . Roger Clinton's behavior was unseemly at best, but it is even more troubling that the President himself appears to have instigated and encouraged his behavior.[46]

The majority's sole basis for this finding is a statement made by a lawyer representing former Arkansas State Senator George Locke. The majority apparently heard this statement from the lawyer, who had purportedly heard it from Mr. Locke. Mr. Locke had purportedly heard it from Roger Clinton. Roger Clinton, in turn, had purportedly heard it from President Clinton.[47] Mr. Locke, on whose credibility the majority primarily relies, had been convicted of cocaine-related charges and served time in prison with Roger Clinton. The unreliability of this triple hearsay should be self-evident.

The majority devotes 120 pages to Roger Clinton's apparent efforts to influence various decisions by the President and other executive branch officials. It is telling that the evidence before the Committee shows that he failed in each and every instance to obtain the result that he sought.

II. UNFOUNDED ALLEGATIONS OF WRONGDOING INVOLVING OTHERS

President Clinton is not the only individual who is the target of unsubstantiated allegations in the majority report. The following discussion addresses unsubstantiated allegations involving other individuals.

- **Allegation: Deputy Attorney General Eric Holder deliberately assisted Jack Quinn with the Rich petition,[48] worked with Jack Quinn to cut the Justice Department out of the process,[49] and probably did so out of a desire to become Attorney General in a possible Gore Administration.[50]**

The Facts: Deputy Attorney General Eric Holder gave ambiguously worded and ill-considered advice to the White House on the Rich pardon petition without knowing all of the facts and without involving others in the Justice Department. Contrary to the majority's assertions, however, Mr. Holder was never in league with advocates seeking a pardon for Marc Rich and never sought to help them "circumvent" the Justice Department. Moreover, the majority's suggestion that Mr. Holder acted out of a desire to become Attorney General is implausible.[51]

The majority repeatedly exaggerates evidence received by the Committee in an attempt to show a conspiracy between Mr. Holder and Mr. Quinn. For example, the majority suggests that Mr. Hold-

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[46] *Id.* at 717.
[47] *Id.* at 709, 719.
[48] Majority Report, Chapter One, at 213.
[49] Majority Report, Executive Summary, at 6.
[50] Majority Report, Chapter One, at 214.
[51] The majority also contends that Jack Quinn "circumvented" the Justice Department by limiting his contact on the pardon petition to Eric Holder. This makes no sense, as Mr. Holder served as Deputy Attorney General, the Justice Department official second in rank only to the Attorney General.

er purposefully steered Marc Rich to Jack Quinn. According to the majority report:

> Quinn was hired after a recommendation from Deputy Attorney General Eric Holder. Gershon Kekst, who worked for Marc Rich on the pardon matter, asked Holder for a recommendation of how to settle a criminal matter with the Justice Department. Holder recommended that he hire a Washington lawyer "who knows the process, he comes to me, and we work it out." Holder then explicitly recommended the hiring of Jack Quinn.[52]

To reach the conclusion that Mr. Holder "recommended" Mr. Quinn to Mr. Kekst, the majority ascribes great significance to a chance social encounter in late 1998 between Mr. Holder and Mr. Kekst, who had never before met. According to Mr. Kekst, he found himself seated next to Mr. Holder at a large corporate event. After Mr. Holder indicated that he "worked at Main Justice," Mr. Kekst recalled asking him general questions about the system of accountability at the Department of Justice and, in particular, to whom U.S. Attorneys were responsible. Mr. Holder apparently responded that they were accountable to him; that was his job. He recalls asking Mr. Holder what a person would do if he believed he was the victim of an overzealous prosecutor. Mr. Kekst said that Mr. Holder suggested hiring a lawyer in Washington, D.C., who knows the process. He recalled that Mr. Holder then spotted Jack Quinn and said words to the effect of, "There is Jack Quinn, someone like that." According to Mr. Kekst, Marc Rich's name never came up in the conversation.[53]

The majority also exaggerates the significance of Mr. Holder's attempt to facilitate a meeting between prosecutors in the Southern District of New York and lawyers representing Mr. Rich. The majority writes that "Holder had worked with Quinn during the previous year to try to force the Southern District of New York to sit down and meet with Quinn about settling the charges against Rich."[54] The majority goes on to say that "Holder had a basically sympathetic view of the Rich case."[55] In his hearing testimony, Mr. Holder acknowledged receiving the request from Mr. Quinn and asking a career Justice Department official on his staff to look into the matter. He explained that the prosecutors in New York declined the meeting and said that neither he nor anyone on his staff ever pressed them to have the meeting.[56] Mr. Holder further stated:

> We simply deferred to them [the Southern District of New York prosecutors] because it was their case. In candor, if I were making the decision as the U.S. Attorney, I prob-

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[52] Majority Report, Executive Summary, at 3. In its report, the majority attributes the following statement to Mr. Holder as though it was a direct quote: "Holder told Kekst that such a person should 'hire a lawyer who knows the process, he comes to me, and we work it out.'" Majority Report, Chapter One, at 101. The minority staff notes of Mr. Kekst's interview do not reflect any mention of the words, "he comes to me, and we work it out." Even if Mr. Kekst did use those or similar words to describe Mr. Holder's statement, his recollection is more than two years old, and he certainly did not purport to remember Mr. Holder's exact words.

[53] Joint Interview of Gershon Kekst (March 15, 2001).

[54] Majority Report, Chapter One, at 208.

[55] *Id.*

[56] Pardon Hearings, Day One, at 193.

> ably would have held a meeting. In my view, the government—and the cause of justice—often gains from hearing about the flaws, real or imagined, cited by defense counsel in a criminal case. But my only goal was to ensure that the request was fully considered.[57]

The majority has no evidence to support its assertion that Mr. Holder "tried to force" prosecutors to meet with Mr. Quinn or was sympathetic to anything other than Mr. Quinn's effort to set up a meeting with the prosecutors.

The evidence before the Committee also does not prove the majority's accusation that Mr. Holder worked with Mr. Quinn to cut other Justice Department officials out of the pardon review process. In retrospect, it is clear that Mr. Holder should have done more to include other Justice Department officials in the review process. Indeed, Mr. Holder conceded as much during his testimony.[58] This mistake in judgment is not evidence of misconduct.

The majority points to a November 18, 2001, e-mail message as proof of a conspiracy between Mr. Holder and Mr. Quinn. The subject line of the message reads, "eric."[59] The text of the message reads: "spoke to him last evening. he says go straight to wh. also says timing is good. we shd get in soon. will elab when we speak."[60] Neither Mr. Quinn nor Mr. Holder testified about this message, however. Indeed, as the majority itself acknowledges, it is unclear that "eric" even refers to Eric Holder.[61]

Assuming the e-mail accurately reflects the words of Mr. Holder, it shows that he advised Mr. Quinn to submit the pardon petition directly to the White House. But this is not proof of wrongdoing. As Beth Nolan testified, the Pardon Attorney in the Justice Department had indicated by then that he would not process any more pardon applications,[62] while the President was continuing to accept clemency applications at the White House.[63] Advising Mr. Quinn of these facts is not criminal behavior, and it is consistent with Mr. Holder's expectation that Justice Department officials would be consulted even if Mr. Quinn submitted the petition directly to the White House.[64] It is certainly more plausible than the conspiracy suggested in the majority's report.

Finally, the majority suggests that Mr. Holder helped with the Rich petition out of a desire to be appointed Attorney General in a Gore Administration. The majority report states:

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[57] *Id.*
[58] *See id.* at 192.
[59] Majority Report, Chapter One, at 213; Majority Exhibit 146.
[60] E-mail from Jack Quinn to Kathleen Behan, Arnold & Porter, et al. (Nov. 18, 2000) (Majority Exhibit 146).
[61] *See* Majority Report, Chapter One, at 213.
[62] Pardon Hearings, Day Two, at 342.
[63] *See id.*
[64] Mr. Holder testified that he believed the Justice Department would have an opportunity to review and consider a pardon petition, even if it was submitted directly to the White House. Pardon Hearings, Day One, at 193. The White House Counsel's office consulted frequently with the Justice Department Pardon Attorney, and did so until the end of the Administration. *See, e.g.,* Pardon Hearings, Day Two, at 355. Indeed, toward the end of the Clinton Administration, Mr. Holder asked that the White House Counsel's office keep his office informed whenever it needed information from the Office of the Pardon Attorney so that his office could keep track. Joint Interview of Meredith Cabe, former Associate Counsel to the President (Mar. 16, 2001). This was normal procedure, as the Deputy Attorney General is the designated Justice Department liaison to the White House. *See* U.S. Attorney's Manual § 1–2.102(D).

> At the time when Holder made the decision to assist Quinn, there was still a realistic possibility of Vice President Gore winning the election. As an influential friend of Vice President Gore, Jack Quinn would be in a key position to assist Holder's chances of becoming Attorney General. While this may not have been Holder's sole motivation in aiding Quinn, it was likely a powerful motivation for Holder.[65]

This speculation is completely implausible. At the time when it was still possible for Al Gore to be President, the most Mr. Holder did was attempt to facilitate a meeting with prosecutors in New York and talk to Mr. Quinn about submitting the pardon petition directly to the White House. He did nothing to support the Rich petition until he gave an opinion to Beth Nolan on January 19, 2001. This was the last full day of the Clinton Administration, and his chances of becoming Attorney General were nil. As the second ranking official in the Justice Department, Mr. Holder could have given powerful support to the Rich petition long before January 19, while the Presidential election was still in doubt. The evidence before the Committee shows that he did nothing of the sort.

Mr. Holder exercised poor judgment when he told Beth Nolan on January 19 that he was neutral, leaning toward favorable on the Rich petition, if there was a foreign policy benefit to be gained. As he acknowledged, he knew little about the case against Marc Rich.[66] He was not in a position to give any recommendation on the petition, even if there was a foreign policy benefit. Mr. Holder publicly expressed regret about this, testifying that he wished he had ensured the Justice Department was more fully informed and involved in the pardon process.[67] He also acknowledged that if he had known everything about the case that he later came to know, he would not have given his opinion.[68]

- **Allegation: Jack Quinn and other lawyers representing Marc Rich made arguments that were "false and misleading"[69] and "fraudulent."[70]**

The Facts: The majority repeatedly and inappropriately disparages the lawyers involved in the Rich pardon effort, accusing them of dishonesty and deception. The majority bases such remarks solely on its disagreement with the legal arguments advanced in the Rich pardon petition.

Mr. Quinn and other lawyers representing Mr. Rich were carrying out their duty of zealous advocacy on behalf of their client. The bar rules of the District of Columbia, which govern the professional conduct of lawyers in this jurisdiction, impose an obligation of diligence and zeal within the bounds of the law.[71] This rule provides that "[a] lawyer shall not intentionally—[f]ail to seek the lawful objectives of a client through reasonably available means" or "prejudice or damage the client during the course of the professional rela-

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[65] Majority Report, Chapter One, at 214.
[66] Pardon Hearings, Day One, at 192.
[67] *Id.*
[68] *Id.* at 194–95, 233.
[69] Majority Report, Chapter One, at 133.
[70] *Id.* at 212.
[71] District of Columbia Rule of Professional Responsibility 1.3.

tionship."[72] A lawyer who fails to adhere to this duty is subject to discipline, including suspension or disbarment from the practice of law.

President Clinton and members of his staff were well aware that Mr. Quinn was acting as an advocate. Bruce Lindsey even told President Clinton that "he should consider Mr. Quinn in this to be an advocate on one side and not his advisor, and that Jack had a client."[73] In keeping with his professional responsibilities as a lawyer, Mr. Quinn had an obligation not only to advocate the pardon, but to do so in a manner that would not prejudice his client's interests. He had no obligation to point out the weaknesses in Mr. Rich's case. The responsibility to marshal the full array of facts and arguments against the petition belonged to the government officials involved in the decisional process.

It is revealing to contrast the majority's treatment of Mr. Quinn, who is a Democratic lawyer, with its treatment of Scooter Libby, a Republican lawyer who also represented Mr. Rich. The majority castigates Mr. Quinn for his representation of Mr. Rich and contends that he made fraudulent arguments.[74] Mr. Libby is hardly mentioned, and the majority takes great pains to point out that he didn't work on the pardon effort.[75] But in fact, Mr. Libby represented Mr. Rich far longer than did Mr. Quinn, and he instructed Mr. Quinn on the facts of the case and on controversial arguments later used in the Rich pardon petition.[76] Moreover, Mr. Libby chose to represent Mr. Rich—and to accept enormous legal fees from him—despite his personal conviction that he was a traitor to the United States.[77]

- **Allegation: When Jack Quinn filed the Marc Rich petition with the White House and contacted White House staff regarding the pardon, he violated ethical rules set out in Executive Order 12834.[78]**

The Facts: The majority contends that Mr. Quinn violated Executive Order 12834, which prohibits, for a period of five years, a former executive branch employee from lobbying his or her former agency (including the Executive Office of the President). The majority asserts that because Mr. Quinn left the White House in February 1997, his contacts with respect to the Marc Rich pardon were prohibited by the order.

Although the executive order arguably should extend to contacts related to executive clemency, it is not clear that it does so. In fact, Chairman Burton indicated that the Committee was exploring legislation to close the "loophole" in the executive order.[79]

The executive order identifies six exceptions to the proscribed lobbying activity. The second exception expressly allows "communicating or appearing with regard to a judicial proceeding."[80] The majority contends that because the clemency power is wielded by

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[72] *Id.*
[73] Pardon Hearings, Day Two, at 145.
[74] *See, e.g.,* Majority Report, Chapter One, at 212.
[75] *See id.* at 132.
[76] *See* Pardon Hearings, Day One, at 123.
[77] Pardon Hearings, Day Two, at 491.
[78] Majority Report, Chapter One, at 102.
[79] House Committee on Government Reform, Committee Meeting (Mar. 14, 2002).
[80] Exec. Order 12834, 58 Fed. Reg. 5,911 (1993).

the executive, not the legislative branch, it cannot be a judicial proceeding. The majority's interpretation, however, is not supported by the language of the executive order. To fall within the ambit of the exception, Mr. Quinn's efforts needed to be "with regard to" a judicial proceeding.[81] The criminal case pending against Mr. Rich in New York arguably constituted such a judicial proceeding. The President's decision to grant Mr. Rich a pardon resolved the criminal indictment and ended that proceeding. Mr. Quinn's contacts with the White House appear to fall within the exception and to be permissible.

The majority also asserts that its conclusion is supported by the opinion of a U.S. District Court judge, who found that Mr. Quinn acted as a lobbyist and was not hired because he was a lawyer.[82] The court's opinion in that case, however, related to the attorney-client privilege and work product doctrine, and it did not address the scope of lobbying as it is defined in the executive order. It does not support the majority's contention that Mr. Quinn violated the ethics ban.

As the majority notes in its report, White House Counsel Beth Nolan raised the issue of the executive order with Mr. Quinn.[83] Ms. Nolan appropriately asked an associate counsel on her staff to look independently at the question. The associate counsel concurred with Mr. Quinn's interpretation of the rule and concluded that his work was permissible.[84]

- **Allegation: It is likely that Jack Quinn attempted to mislead the public and the Committee when he claimed that he did not expect to be paid for his work on the Rich pardon.[85]**

The Facts: The majority mischaracterizes Jack Quinn's testimony in an effort to show that he lied to the Committee about his compensation from Marc Rich. For example, the majority states: "Quinn has taken the incredible position that he did not expect to be paid for any of his work on the Rich case after he left Arnold & Porter" and "[i]t is impossible to believe that Jack Quinn did his work on the Rich pardon out of the goodness of his heart, on a pro bono basis."[86] Mr. Quinn never said that he did not expect to be paid for any of his work on the Rich case after he left Arnold & Porter, or that he was working on a pro bono basis. Rather, he said that he discussed the matter with Robert Fink, another lawyer for Marc Rich, and came to the conclusion that he would not be paid additional fees for his work to obtain a pardon. As the majority notes in its own report, Mr. Quinn testified:

> After leaving Arnold & Porter, I did consider and discuss with Mr. Fink whether we should have a new arrangement. I came to the conclusion that, particularly because

[81] The word "regard" is commonly defined as "to refer or relate to; concern." *See* Random House Webster's College Dictionary, 1094 (2nd ed. 1997); American Heritage College Dictionary, 1149 (3rd ed. 1997).
[82] Majority Report, Chapter One, at 218 (citing *In re Grand Jury Subpoenas*, No. M11–189 DC (S.D.N.Y. 2001).)
[83] Majority Report, Chapter One, at 216.
[84] Pardon Hearings, Day Two, at 324.
[85] Majority Report, Chapter One, at 143.
[86] Majority Report, Chapter One, at 138.

> of the fact that we were unsuccessful in achieving a resolution of this at the Southern District, and because I didn't think, frankly, there would be that much more additional time in it, and because I believed that the earlier payments had been fair and reasonable, that I would see this through to the end simply on the basis of the fees we had been paid.[87]

In his testimony, Mr. Quinn further said that he had not accepted payments after leaving Arnold & Porter for his work to obtain a pardon, nor would he accept any such payments in the future.[88] Mr. Quinn said, however, that he would accept payment from Mr. Rich to reimburse him for expenses he incurred in connection with the pardon controversy.[89] And he said that he would accept additional fees for services other than for his efforts to win Marc Rich a pardon. He testified:

> Well, look, I don't think it would be fair to ask me to commit never to accept moneys from him. As I've said to you, if I do work that justifies my billing him for it, I will do so. I expect to be reimbursed for the expenses I'm put to in connection this. Those are the only moneys I anticipate receiving from him.[90]

The majority claims that the testimony of Mr. Fink contradicts Mr. Quinn. As the majority notes in its report, Mr. Fink testified that he believed Mr. Rich and Mr. Quinn would come to a fair fee arrangement that was consistent with his normal fee arrangements and communicated that to Mr. Quinn in November 2000.[91] It does not appear from any of the evidence before the Committee, however, that Mr. Quinn ever concluded an agreement on fees for the pardon effort. Mr. Quinn could have concluded that he would not receive any additional fees for that work.

The Committee has no evidence that Mr. Quinn accepted additional fees from Mr. Rich for his efforts to obtain a pardon. Mr. Quinn made no promise that he would not accept fees for work separate from his efforts to obtain a pardon or to reimburse him for expenses he incurred in connection with the pardon scandal. The Committee has no basis upon which to conclude that Mr. Quinn misled the Committee.

- **Allegation: Denise Rich's and Beth Dozoretz's contributions, efforts to help with the Marc Rich pardon, and their decision to invoke their Fifth Amendment privilege against self incrimination raise "the indelible appearance of impropriety."[92]**

The Facts: In its report, the majority acknowledges that it was unable to substantiate the allegation that Denise Rich or Beth Dozoretz improperly or illegally influenced President Clinton's decision to grant a pardon to Marc Rich. The majority nevertheless states that their actions create "the indelible appearance of impro-

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[87] Pardon Hearings, Day One, at 242.
[88] *Id.* at 242, 266.
[89] *Id.* at 266.
[90] *Id.*
[91] Majority Report, Chapter One, at 142.
[92] *Id.* at 181, 186.

priety."[93] The majority bases this conclusion on the political contributions of Ms. Rich and Ms. Dozoretz, their lawful efforts to assist with the Marc Rich pardon effort, and their decision to invoke their constitutional right against self-incrimination before this Committee.

The testimony of Ms. Rich and Ms. Dozoretz would have helped the Committee determine the truth, and their decision to assert their Fifth Amendment rights was a setback to the Committee's efforts. The majority is wrong, however, to draw adverse inferences about Ms. Rich and Ms. Dozoretz from their assertion of their constitutional privilege. The Supreme Court has repeatedly stated that a witness's assertion of the privilege against self-incrimination does not give rise to an inference of guilt. Calling the privilege "an important advance in the development of our liberty," the Court has explained that "[t]oo many, even those who should be better advised, view this privilege as a shelter for wrongdoers. They too readily assume that those who invoke it are either guilty of a crime or commit perjury in claiming the privilege."[94]

As the majority acknowledges in its own report, the Committee could have compelled Ms. Rich's and Ms. Dozoretz's testimony by conferring a grant of immunity from prosecution. The majority elected not to pursue that option. The majority should not seek to establish by innuendo allegations of wrongdoing that it could not establish by the evidence.

- **Allegation: Marie Ragghianti, the Chief of Staff of the U.S. Parole Commission, hindered an FBI investigation into Roger Clinton's contacts with commissioners and Commission staff and may have been trying to protect Roger Clinton.[95]**

The Facts: The majority report devotes over 40 pages to Roger Clinton's unsuccessful efforts to assist a federal inmate, Rosario Gambino, in an application for parole before the U.S. Parole Commission (USPC).[96] The majority also discusses Mr. Gambino's unsuccessful application for executive clemency.[97]

As is detailed in the majority report, Roger Clinton contacted commissioners and staff of the USPC numerous times to discuss Mr. Gambino's request for parole. While Roger Clinton's repeated contacts proved to be a nuisance to these officials, the contacts did not violate any law or regulation.[98] Moreover, U.S. Parole Commission officials were aware of the appearance of improper political influence in its proceedings. Out of an abundance of caution, Commission officials attempted to discontinue further contacts with Roger Clinton.[99] The USPC even created a policy "restrict[ing] the ability of Commission staff from engaging in any continued series of calls or discussions on official matters that are not in the context

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[93] *Id.*
[94] *Ullmann v. United States*, 350 U.S. 422, 426 (1956).
[95] Majority Report, Chapter Two, at 711, 759.
[96] *Id.* at 731–776.
[97] *Id.* at 773.
[98] *See* Joint Interview of Michael Stover (July, 17, 2001); *see also* Letter from Elaine J. Mittleman to Chairman Dan Burton (Apr. 3, 2002) (Exhibit 4).
[99] Joint Interview of Michael Stover (July 17, 2001); Joint Interview of Marie Ragghianti (July 27, 2001).

of an agency proceeding," which it communicated in writing to Roger Clinton.[100]

For reasons that are not entirely clear from the Committee's evidence, the FBI took steps to investigate Roger Clinton's contacts with the USPC. As part of this effort, the FBI proposed a sting operation whereby a Commission employee would set up a meeting with Roger Clinton at a nearby hotel restaurant and introduce Roger Clinton to an FBI agent posing as a USPC official.[101] The FBI also apparently proposed that the Commission employee wear a body wire to record the conversation with Roger Clinton.[102] Marie Ragghianti, the Chief of Staff of the USPC at the time, was uncomfortable with the proposal and rejected it. Ms. Ragghianti explained that the Commission did not conduct meetings in restaurants, and she said that she thought the FBI's proposed arrangements would be unprofessional and would put the commission in bad light. She explained further that the agency could accommodate the FBI in ways other than the proposed sting and maintain professionalism.

After the Commissioners considered the matter, the USPC did permit the FBI to place a hidden microphone under the desk of a USPC employee, who agreed to meet with Roger Clinton.[103] According to this employee, Tom Kowalski, the FBI proposed that he ask leading questions to draw out Roger Clinton, but Mr. Kowalski did not feel comfortable with that approach.[104] Mr. Kowalski recalls that he had a half-hour meeting with Roger Clinton, but Mr. Clinton made no incriminating comments.[105] The FBI's investigation then apparently ended.[106]

In its report, the majority alleges that Ms. Ragghianti hindered the FBI investigation and may have done so to protect Roger Clinton.[107] But the evidence before the Committee shows only that Ms. Ragghianti exercised her judgment on the appropriateness of a proposed sting operation. Although the majority may disagree with her judgment, there is no evidence that her decision was based on factors other than her evaluation of the interests of the USPC. The majority's suggestion that she acted to protect Roger Clinton is unfair speculation.

- **Allegation: Hugh Rodham told the White House that First Lady Hillary Rodham Clinton was aware of the clemency petition of Carlos Vignali and that his commutation was "very important to her." Either the First Lady was aware of the petition and approved of Mr. Rodham's lobbying efforts or Hugh Rodham lied regarding the First Lady's knowledge.[108]**

The Facts: The majority alleges that Hugh Rodham told the White House that First Lady Hillary Rodham Clinton was aware

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[100] Letter from Marie Ragghianti (Oct. 26, 1998) (Exhibit 5); Joint Interview of Michael Stover (July 17, 2001).
[101] Joint Interview of Marie Ragghianti (July 27, 2001).
[102] *Id.*
[103] Joint Interview of Tom Kowalski (July 27, 2001).
[104] *Id.*
[105] *Id.*
[106] *See* Joint Interview of Michael Stover (July 17, 2001).
[107] Majority Report, Chapter Two, at 711, 759.
[108] Majority Report, Chapter Three, at 1264–65.

of his efforts to lobby for clemency for Carlos Vignali and that his commutation was "very important to her." The majority then concludes that because both have denied discussing Mr. Vignali's petition, either one or the other lied.[109]

The majority bases its contention primarily on one phone message from a former White House staff member. The phone message is an undated, handwritten note on White House stationary that reads:

> Hugh says this is very important to him and the First Lady as well as others.
>
> Sheriff Baca from LA is more than happy to speak with you about him but is uncomfortable writing a letter offering his full support.[110]

Committee staff also conducted a joint interview of the author of the note, Dawn Woolen, who served as an assistant to Bruce Lindsey in the White House. When asked about this note and what Mr. Rodham told her on the phone, Ms. Woolen responded that she had no independent recollection of the conversation and that she usually paraphrased phone messages.[111] Asked to interpret the meaning of the word "this" in the phrase "this is important," Ms. Woolen speculated that it meant the message concerning the Vignali commutation.[112]

The majority sought to interview Mr. Rodham about the issue. But Mr. Rodham's attorney informed the Committee that Mr. Rodham would not testify because Mr. Rodham was constrained from revealing his client's confidences by the bar rules of the District of Columbia.[113] The majority did not seek to interview Senator Clinton.

These fragmentary facts do raise questions about what Mr. Rodham may have said to Ms. Woolen. But they are wholly insufficient to support the definitive conclusions that the majority seeks to draw.

III. CONCLUSION

Despite widespread consensus that the Marc Rich pardon and other last-minute grants of clemency were unjustified, Chairman Burton conducted a far-flung and partisan investigation. The majority report reflects this approach. The report does not recite facts and draw reasonable conclusions. Rather, it mixes facts with suppositions, unfairly questions the motives and integrity of the individuals involved, and makes numerous unsupported allegations of wrongdoing. The Committee's extensive investigation uncovered a clemency process in disarray at the end of the Clinton Administration and poor judgment. The majority's insinuation of corruption

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[109] *See id.* at 1678–79.

[110] Handwritten note by Dawn Woolen, Assistant to Deputy Counsel to the President Bruce Lindey (Majority Exhibit 22).

[111] Joint Interview of Dawn Woolen (Sept. 25, 2001).

[112] *Id.*

[113] Letter from Nancy Luque to Chairman Dan Burton (Mar. 14, 2002) (attaching District of Columbia Rule of Professional Responsibility 1.6) (Exhibit 6).

and serious wrongdoing in the pardon process, however, is unsubstantiated and wrong.[114]

HON. HENRY A. WAXMAN.
HON. TOM LANTOS.
HON. MAJOR R. OWENS.
HON. EDOLPHUS TOWNS.
HON. PAUL E. KANJORSKI.
HON. PATSY T. MINK.
HON. BERNARD SANDERS.
HON. ELEANOR HOLMES NORTON.
HON. ELIJAH E. CUMMINGS.
HON. HON. DENNIS J. KUCINICH.
HON. DANNY K. DAVIS.
HON. THOMAS H. ALLEN.
HON. JANICE D. SCHAKOWSKY.
HON. DIANE E. WATSON.

[Exhibits referred to follow:]

[114] A number of individuals wrote to Chairman Burton to protest the manner in which the majority conducted its investigation and aspects of the majority report. Those which were copied to the minority are attached at Exhibits 4, 6, and 7.

Exhibit 1

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

Prepared for Rep. Henry A. Waxman

Minority Staff Report
Committee on Government Reform
U.S. House of Representatives

March 2001

Over the past eight years, Chairman Dan Burton of the House Government Reform Committee and other Republican leaders have repeatedly made sensational allegations of wrongdoing by the Clinton Administration. In pursuing such allegations, Chairman Burton alone has issued over 900 subpoenas; obtained over 2 million pages of documents; and interviewed, deposed, or called to testify over 350 witnesses. The estimated cost to the taxpayer of investigating these allegations has exceeded $23 million.[1]

Chairman Burton or other Republicans have charged that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal; that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House "altered" videotapes of White House coffees to conceal wrongdoing; that the Clinton Administration sold burial plots in Arlington National Cemetery; that prison tape recordings showed that former Associate Attorney General Webster Hubbell was paid off for his silence; that the Attorney General intentionally misled Congress about Waco; and that problems with the White House e-mail archiving system are "the most significant obstruction of Congressional investigations in U.S. history" and "reach much further" than Watergate.

This report is not intended to suggest that President Clinton or his Administration have always acted properly. There have obviously been instances of mistakes and misconduct that deserve investigation. But frequently the Republican approach -- regardless of the facts -- has been "accuse first, investigate later." Further investigation then often shows the allegations to be unsubstantiated. In fact, FBI interviews showed that one widely publicized Republican allegation was based on nothing more than gossip at a congressional reception.

This approach has done great harm to reputations. The unsubstantiated accusations have frequently received widespread attention. For example, Chairman Burton's allegation regarding White House videotape alteration received widespread media coverage. It was reported by numerous television news programs, including *CBS Morning News,*[2] *CBS This Morning,*[3] *NBC News At Sunrise,*[4] NBC's *Today,*[5] *ABC World News Sunday,*[6] *CNN Early Prime,*[7] *CNN Morning News,*[8] CNN's *Headline News,*[9] CNN's *Early Edition,*[10] Fox's *Morning News,*[11] and *Fox News Now/Fox In Depth.*[12] In addition, newspapers across the country, including the *Washington Post,*[13] the *Las Vegas Review-Journal,*[14] the *Houston Chronicle,*[15] the *Commercial Appeal,*[16] and the *Sun-Sentinel,*[17] published stories focusing on the allegation. Two months later, when Senator Fred Thompson announced that there was no evidence that the videotapes had been doctored, there was minimal press coverage of his statement.[18]

The discussion below examines the facts – and lack thereof – underlying over 25 of the most highly publicized allegations.

Allegation: During 1994 and 1995, Chairman Burton suggested numerous times on the House floor that Deputy White House Counsel Vince Foster had been murdered and that

his murder was related to the investigation into President and Hillary Clinton's involvement in the Whitewater land deal.[19]

The Facts: Chairman Burton's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that . . . Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."[20] On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "[t]he overwhelming weight of the evidence compels the conclusion . . . that Vincent Foster committed suicide."[21]

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded: "The available evidence points clearly to suicide as the manner of death."[22]

Allegation: In 1995 and 1996, Republicans alleged that the White House fired the employees of the White House travel office so that White House travel business would be given to Harry Thomason, a political supporter of President Clinton. The Chairman of the House Committee on Government Reform and Oversight, William F. Clinger, said he saw the First Lady's "fingerprints" on efforts to cover up and lie about the travel office firings.[23] Discussing the travel office matter, Rep. Dan Burton said, "The First Lady, according to the notes we have, has lied."[24]

The Facts: In June 2000, the Office of the Independent Counsel issued a press release announcing that its investigation into the Travel Office matter had concluded. Independent Counsel Robert Ray stated:

> This Office has now concluded its investigation into allegations relating to . . . Mrs. Clinton's statements and testimony concerning the Travel Office firings and has fully discharged [her] from criminal liability for matters within this Office's jurisdiction in the Travel Office matter.[25]

Allegation: In June 1996, Chairman Burton alleged that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."[26] Committee Republicans also released a report suggesting that the files were being used by the Clinton Administration to compile a "hit list" or an "enemies list."[27]

The Facts: These allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated. The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee who had requested the FBI background files at issue, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report issued by Independent Counsel Ray in March 2000, "neither Anthony Marceca nor any senior White House official, or First Lady Hillary Rodham Clinton, engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff." The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated Mr. Marceca was truthful when he testified that "[n]o senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."[28]

Allegation: Beginning in 1996, Chairman Burton and other Republican leaders suggested that there was a conspiracy between the Chinese government and the Clinton Administration to violate federal campaign finance laws and improperly influence the outcome of the 1996 presidential election. In a February 1997 interview on national television, Chairman Burton stated:

> **If the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it because that's a felony, and you're selling this country's security – economic security or whatever to a communist power.[29]**

Further, on the House floor in June 1997, Chairman Burton alleged a "massive" Chinese conspiracy:

> **We are investigating a possible massive scheme . . . of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese government at the highest levels decided to infiltrate our political system.[30]**

The Facts: The House Government Reform Committee to date has spent four years and over $8 million investigating these allegations. No evidence provided to the Committee substantiates the claim that the Administration was "selling or giving information to the Chinese in exchange for political contributions."

The FBI obtained some evidence that China had a plan to try to influence congressional elections.[31] However, no evidence was provided to the Committee that the Chinese government carried out a "massive scheme" to influence the election of President Clinton.

Allegation: In June 1997, Rep. Gerald Solomon, the Chairman of the House Rules Committee, claimed that he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fundraiser, had "committed economic espionage and breached our national security." This allegation was reported on national television and in many newspapers across the country.[32]

The Facts: In August 1997, and again in February 1998, Rep. Solomon was interviewed by the FBI to determine the basis of Rep. Solomon's allegations. During the first interview, Rep.

Solomon told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation that 'a Department of Commerce employee had passed classified information to a foreign government.'" According to the FBI notes on the Solomon interview, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Rep. Solomon did not know who the staffer was.[33]

In his second interview with the FBI, Rep. Solomon recalled that what the staffer said to him was: "Congressman you might like to know that you were right there was someone at Commerce giving out information." Again in this interview, Rep. Solomon told the FBI that he did not know the name of the staffer who made this comment.[34]

Allegation: In August 1997, several Republican leaders called for an independent counsel to investigate allegations by Democratic donor Johnny Chung that former Energy Secretary Hazel O'Leary had, in effect, "shaken down" Mr. Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. On national television, Republican National Committee Chairman Jim Nicholson stated, "[W]e need independent investigation made of people like Hazel O'Leary."[35] Rep. Gerald Solomon, the Chairman of the House Rules Committee, criticized the Attorney General for being "intransigent" in refusing to appoint an independent counsel.[36]

The Facts: A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation."[37] In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.[38]

Allegation: In September 1997, Chairman Burton suggested on national television that the Clinton Administration was engaging in an "abuse of power" by using the Internal Revenue Service (IRS) to retaliate against the President's political enemies.[39] *The Washington Times* also quoted the Chairman as stating: "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people -- all of whom have an adversarial relationship with the President -- being audited?"[40]

The Facts: The Chairman's remarks related to allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several non-profit tax-exempt organizations that supported positions different from those of the Clinton Administration were being audited while other organizations favored by the Administration were not.[41]

The Joint Committee on Taxation conducted a three-year bipartisan investigation of these allegations. In March 2000, the Committee reported that it had found no evidence of politically motivated IRS audits.[42] Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization." Further, the report

found "no credible evidence of intervention by Clinton Administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) tax-exempt organizations for examination."[43]

Allegation: In October 1997, Chairman Burton held a hearing which he claimed would produce evidence of "blatantly illegal activity by a senior national party official."[44] The star witness at that hearing, David Wang, alleged that then-DNC official John Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.[45]

The Facts: It was Charlie Trie and his associate Antonio Pan, not John Huang, who solicited Mr. Wang. Unlike Mr. Huang, Mr. Trie and Mr. Pan were never "senior officials" at the DNC. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang had been in New York, not Los Angeles, on the day in question.[46] Mr. Huang later testified before the Committee and denied Mr. Wang's allegations.[47] On March 1, 2000, Democratic fundraiser Charlie Trie appeared before the Committee and acknowledged that it had been he and Mr. Pan, not Mr. Huang, who had solicited the conduit contribution.[48]

Allegation: At an October 1997 hearing before the House Committee on Government Reform and Oversight, Chairman Burton publicly released a proffer from Democratic fundraisers Gene and Nora Lum. Chairman Burton stated that the proffer indicated that "the solicitation and utilization of foreign money and conduit payments did not begin after the Republicans won control of the Congress in 1994. Rather, it appears that the seeds of today's scandals may have been planted as early as 1991."[49] Specifically, the proffer suggested that President Clinton endorsed the candidacy of a foreign leader in exchange for campaign contributions.[50] This allegation was reported in the *Washington Post* in an article entitled "Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined," and in other national media.[51]

The Facts: To investigate this allegation and other allegations concerning the Lums, Chairman Burton issued nearly 200 information requests that resulted in the receipt of over 40,000 pages of documents, 50 audiotapes, a videotape, and numerous depositions. After this extensive investigation, however, the Chairman was never able to produce any evidence to support the dramatic allegation in the proffer.

The proffer presented by Chairman Burton states that, during the 1992 campaign, the Lums arranged a meeting with a Clinton/Gore official for an individual who had proposed to arrange a "large donation in exchange for a letter signed by the Clinton campaign endorsing the candidacy of a man who is now the leader of an Asian nation." The proffer states that the official "later provided a favorable letter over the name of Clinton," that a "Clinton/Gore official signed then Governor Clinton's name to the letter," and that the individual who made the request for the letter then made a $50,000 contribution that reportedly came from "a foreign person then residing in the United States."[52]

In its investigation, the only letter the Committee obtained that concerned then-Governor Clinton's position on an election in Asia is an October 28, 1992, letter on Clinton/Gore letterhead that pertains to the presidential election in Korea. This document specifically states that then-Governor Clinton does not believe it is appropriate for U.S. public officials to endorse the candidacies in foreign elections. The letter states:

> Thank you for bringing to my attention the impact in Korea that my statement of September 17th has caused. I would appreciate your help in clarifying the situation in Korea through proper channels. My statement was a courtesy reply in response to an invitation to me to attend an event in honor of Chairman Kim Dae-Jung, and to extend to him my greetings. It was not meant to endorse or assist his candidacy in the upcoming presidential election in Korea. I do not believe that any United States government official should endorse a presidential candidate in another country.[53]

Allegation: On October 19, 1997, Chairman Burton appeared on national television and suggested that the White House had deliberately altered videotapes of presidential fund-raising events. On CBS's *Face the Nation*, he said "We think ma--maybe some of those tapes may have been cut off intentionally, they've been--been, you know, altered in some way." He also said that he might hire lip-readers to examine the tapes to figure out what was being said on the tapes.[54]

The Facts: Investigations by the House Government Reform and Oversight Committee and the Senate Governmental Affairs Committee produced no evidence of any tampering with the tapes. Shortly after Chairman Burton made his allegation regarding tape alteration, the Senate Governmental Affairs Committee hired a technical expert, Paul Ginsburg, to analyze the videotapes to determine whether they had been doctored. Mr. Ginsburg concluded that there was no evidence of tampering.[55] In addition, Colonel Joseph Simmons, commander of the White House Communications Agency (WHCA), Colonel Alan Sullivan, head of the White House Military Office which oversees WHCA, and Steven Smith, chief of operations of WHCA, all testified under oath before the House Government Reform and Oversight Committee in October 1997 that they were unaware of any alteration of the videotapes.[56]

Allegation: In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton Administration of selling burial plots in Arlington National Cemetery for campaign contributions.[57] Republican Party Chairman Jim Nicholson accused the Administration of a "despicable political scheme," and several Republican leaders, including Chairman Burton, called for investigations.[58] Representative Gerald Solomon stated, "[t]his latest outrage is one more slap in the face of every American who ever wore the uniform of their country, who seem to be special objects of contempt in this administration."[59]

The Facts: The Army has established restrictive eligibility requirements for burial at Arlington. Individuals who are eligible for Arlington National Cemetery burial sites include service members who died while on active duty, honorably discharged members of the armed forces who

have been awarded certain high military distinctions, and surviving spouses of individuals already buried at Arlington, among others. The Secretary of the Army may grant waivers of these requirements.[60]

In January 1998, the General Accounting Office (GAO) concluded an independent investigation of the allegations that waivers were granted in exchange for political contributions. As part of this investigation, GAO analyzed the laws and regulations concerning burials at Arlington, conducted in-depth review of Department of Army case files regarding approved and denied waivers, and had discussions with officials responsible for waiver decisions.[61]

GAO's report stated: "[W]e found no evidence in the records we reviewed to support recent media reports that political contributions have played a role in waiver decisions." Further, GAO stated: "Where the records show some involvement or interest in a particular case on the part of the President, executive branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."[62]

Allegation: In January 1998, Chairman Burton held four days of hearings into whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, Chairman Burton alleged that the decision was a "political payoff" and that it "stinks" and "smells."[63]

The Facts: On August 22, 2000, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding:

> A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC.[64]

Allegation: In April 1998, Chairman Burton suggested that President Clinton had created a national monument in Utah in order to benefit the Lippo Group, an Indonesian conglomerate with coal interests in Indonesia.[65] James Riady, an executive of the Lippo Group, was a contributor to the DNC. In June 1998, in a statement on the House floor, Chairman Burton reiterated his allegation: "[T]he President made the Utah Monument a national park. What is the significance of that? The largest clean-burning coal facility in the United States, billions and billions of dollars of clean-burning coal are in the Utah Monument. It could have been mined environmentally safely according to U.S. engineers. Who would benefit from turning that into a national park so you cannot mine there? The Riady group, the Lippo Group, and Indonesia has the largest clean-burning coal facility, mining facility, in southeast Asia. They were one of the largest contributors. Their hands

are all over, all over these contributions coming in from Communist China, from Macao and from Indonesia. Could there be a connection here?"[66]

The Facts: In September 1996, President Clinton set aside as a national monument 1.7 million acres of coal-rich land in Utah under a 1906 law that allows the president to designate national monuments without congressional approval.[67] After two years of investigation, the Committee produced no evidence that there is any connection between the designation of this land as a monument and Riady group or any other contributions.[68]

Allegation: In April 1998, Chairman Burton released transcripts of selected portions of Webster Hubbell's prison telephone conversations. According to these transcripts, if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "And that you are opening Hillary up to all of this," and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary" and "So, I need to roll over one more time." These quotes were taken from a two-hour March 25, 1996, conversation between the Hubbells.[69]

The Facts: Webster Hubbell was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Little Rock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months.

During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping is standard in federal prisons. These tapes were turned over to the Government Reform and Oversight Committee. Although the tapes are supposed to be protected by the Privacy Act, Chairman Burton released a document in April 1998 entitled the "Hubbell Master Tape Log," which contained what were purported to be excerpts from these tapes. However, it was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements made by Mr. Hubbell that directly contradicted the allegations.[70]

For example, while the "Hubbell Master Tape Log" quoted the above portions of the March 25, 1996, conversation between Mr. and Mrs. Hubbell, it omitted a later portion of the same conversation that appears to exonerate the First Lady. The later portion of that conversation follows, with the portions that Chairman Burton omitted from the "Hubbell Master Tape Log" underlined:

> Mr. Hubbell: Now, Suzy, I say this with love for my friend Bill Kennedy, and I do love him, he's been a good friend, he's one of the most vulnerable people in my counterclaim. Ok?
>
> Mrs. Hubbell: I know.

Mr. Hubbell: Ok, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this.

Mrs. Hubbell: They wouldn't have let her if she tried.

Mr. Hubbell: Of course not.

The "Hubbell Master Tape Log" released by the Chairman also included an underlined passage in which Mr. Hubbell allegedly said: "The Riady is just not easy to do business with me while I'm here." In fact, the actual tape states: "The reality is it's just not easy to do business with me while I'm here."

Allegation: In April 1998, Chairman Burton sought immunity from the Committee for four witnesses: Nancy Lee, Irene Wu, Larry Wong, and Kent La. He and other Republicans leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese government during the 1996 elections.[71]

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system."[72] Rep. John Boehner alleged that the witnesses had "direct knowledge about how the Chinese government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk."[73] Committee Republican Rep. Shadegg stated that one of the witnesses, Larry Wong, "is believed to have relevant information regarding the conduit for contributions made by the Lums and others in the 1992 fund-raising by John Huang and James Riady."[74]

The Facts: In June 1998, the Committee provided these witnesses with immunity. After they were immunized, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Nora Lum were to register voters and serve as a volunteer cook.[75] Following is the total testimony he provided regarding James Riady:

Majority Counsel: Did Nora ever discuss meeting James Riady?
Mr. Wong: James who?
* * *
Majority Counsel: James Riady.
Mr. Wong: No.[76]

Allegation: In May 1998, Rep. Curt Weldon suggested on the House floor that the President could have committed treason. Rep. Weldon's remarks involved allegations that the political contributions of the Chief Executive Officer of Loral Corporation, Bernard

Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. Rep. Weldon described this issue as a "scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years," and said, "this scandal involves potential treason."[77] The *National Journal* reported this allegation in an article that referred to Rep. Weldon as "a respected senior member of the National Security Committee."[78]

The Facts: The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded.[79] In August 1998, Lee Radek, chief of the Department's public integrity section, wrote that "there is not a scintilla of evidence – or information – that the President was corruptly influenced by Bernard Schwartz."[80] Charles La Bella, then head of the Department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."[81]

A House select committee investigated allegations relating to United States technology transfers to China, and whether campaign contributions influenced export control decisions. In May 1999, the Committee findings were made public. The Committee's bipartisan findings also did not substantiate Rep. Weldon's suggestions of treason by the President.[82]

Allegation: In September 1998, Rep. David McIntosh sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice.[83] He told the *Washington Post* that there was "very strong evidence" that Ms. Mills lied to Congress.[84]

The Facts: Rep. McIntosh's claims were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages of documents produced to the Government Reform and Oversight Committee were not responsive to a request from Rep. McIntosh, while Rep. McIntosh believed the two documents were responsive. Instead of viewing this disagreement as a difference in judgment, Rep. McIntosh charged that Ms. Mills was obstructing justice and that she lied to the Committee.[85] The Justice Department investigated Rep. McIntosh's allegations and found them to be without merit.[86]

Allegation: In October 1998, Rep. David McIntosh alleged that the President, First Lady, and senior Administration officials were involved in "theft of government property" for political purposes. To support this claim, Rep. McIntosh claimed that the President's 1993 and 1994 holiday card lists had been knowingly delivered to others outside of the government, and that, with respect to the holiday card project, evidence suggested a "criminal conspiracy to circumvent the prohibition on transferring data to the DNC."[87]

The Facts: The White House database, known as "WhoDB," is a computerized rolodex used to track contacts of citizens with the White House and to create a holiday card list. In putting together the holiday card list, the Clinton Administration followed the procedures established by previous administrations. A number of entities, including the White House and the Democratic

National Committee, created lists of card recipients, and the White House hired an outside contractor to merge the lists, and produce and mail the cards. As with past Administrations, the production and mailing costs of the holiday card project were paid for by the President's political party to avoid any appearance that taxpayer funds were being used to pay for greetings to political supporters.

The evidence showed that the contractor charged with eliminating duplicate names from the 1993 holiday card list failed to remove the list from its computer. This computer was subsequently moved – for unrelated reasons – to the 1996 Clinton/Gore campaign. The Committee uncovered no evidence that this list was ever used for campaign purposes. In fact, computer records showed that the Clinton/Gore campaign never accessed it, and it appears that the campaign was not aware that the computer contained this list.

With respect to the 1994 holiday card list, a DNC employee learned that the contractor charged with eliminating duplicate names from the list did not properly "de-dupe" the list. Therefore, she worked with her parents and several volunteers over a weekend to properly perform this task. The evidence indicates that neither the 1994 nor the 1993 holiday card list was used for any other purpose than sending out the holiday cards.[88]

Allegation: In March 1999, Chairman Burton sent a criminal referral to Department of Justice alleging that Charles Duncan, Associate Director of the Office of Presidential Personnel at the White House, made false statements to the Committee regarding the appointment of Yah Lin "Charlie" Trie to the Bingaman Commission.[89]

The Facts: Chairman Burton alleged that Mr. Duncan made false statements in his answers to Committee interrogatories in April 1998.[90] These answers included statements by Mr. Duncan that, to the best of his recollection, no one expressed opposition to him regarding the appointment of Mr. Trie to a trade commission known as the "Bingaman Commission."[91] The main basis for the Chairman's allegation was that Mr. Duncan's responses were "irreconcilable" with statements purportedly made by another witness, Steven Clemons.[92]

Investigation revealed that Mr. Clemons's statements were apparently misrepresented by Mr. Burton's staff. Mr. Clemons was interviewed by two junior majority attorneys without representation of counsel. Immediately after the majority released the majority staff's interview notes of the Clemons interview in February 1998, Mr. Clemons issued a public statement noting that he had never seen the notes, he had not been given the opportunity to review them for accuracy, and that "the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed."[93] The Department of Justice closed its investigation of Mr. Duncan without bringing any charges.[94]

Allegation: In June 1999, Chairman Burton issued a press release accusing Defense Department officials of attempting to tamper with the computer of a Committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency (DTRA), while he was testifying before the House Committee on Government Reform. The Chairman alleged, "While Dr.

Leitner was telling my committee about the retaliation he suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."[95]

The Facts: Both the Committee and the Air Force Office of Special Investigations subsequently conducted investigations regarding the allegation of computer tampering. The Committee interviewed 11 DTRA employees, obtained relevant documents, and learned that the allegation was untrue. Instead, the incident was nothing more than a routine effort to obtain files in the witness's computer that were necessary to complete an already overdue project.

When Dr. Leitner was on leave to testify before the Committee on June 24, 1999, his superior, Colonel Raymond A. Willson, had reassigned a task of Dr. Leitner's to another DTRA employee. This reassignment -- responding to a letter from Senator Phil Gramm -- occurred because DTRA's internal due date for the project was passed and Dr. Leitner's draft response was not accurate. As part of reassigning the task, Col. Willson asked the office's technical division to transfer relevant files from Dr. Leitner's computer. The transfer never occurred, however, because the employee to whom the task was reassigned did not need Dr. Leitner's files to complete the task. Dr. Leitner's computer was not touched.[96]

On July 12, 1999, the Committee also learned that the Air Force Office of Special Investigations had completed its investigation and found that Col. Willson had done nothing improper.

Allegation: In July 1999 testimony before the House Rules Committee, Chairman Burton stated that the House Committee on Government Reform had received information indicating that the Attorney General "personally" changed a policy related to release of information by the Department of Justice so that an attorney she knew "could help her client."[97]

The Facts: One year after Chairman Burton testified before the Rules Committee, the House Government Reform Committee took testimony from the relevant witnesses at a July 27, 2000, hearing.

Chairman Burton's allegations concerned efforts by a Miami attorney, Rebekah Poston, to obtain information for her client, who had been sued in a Japanese court for libel by a Japanese citizen named Nobuo Abe. The alleged statements at the heart of this lawsuit related to whether Mr. Abe had been arrested or detained in Seattle in 1963. Mr. Abe maintained that he had never been detained and that statements to the contrary made by Ms. Poston's client were defamatory.[98] In order to support her client's interests in this lawsuit, Ms. Poston filed Freedom of Information Act (FOIA) requests with several components of the Department of Justice in November 1994 seeking records that established that her client's statement were true and that Mr. Abe had, in fact, been arrested or detained.

In response to Ms. Poston's FOIA requests, the INS, Bureau of Prisons, and Executive Office of the United States Attorneys informed Ms. Poston that no records on Mr. Abe existed.[99] The Department of Justice, however, initially informed Ms. Poston that it was its policy not to confirm or deny whether the Justice Department maintains such files on an individual unless the individual authorizes such a confirmation or denial.[100] After Ms. Poston appealed this decision and threatened litigation on the matter, the Justice Department reversed its decision and confirmed to her that no records on Mr. Abe existed. This decision to confirm the lack of records was legal and it was damaging to Ms. Poston's client. The Justice Department official who directed this decision testified that he believed it was appropriate because it precluded potential litigation and did not deprive anyone of privacy rights because no release of records was involved.[101]

Although the Chairman suggested that the Attorney General "personally" changed Department policy to allow release of information, the records produced to the Committee show that the Attorney General recused herself from the decision.[102] John Hogan, who was Attorney General Reno's chief of staff at the time of Ms. Poston's FOIA request, testified before the House Government Reform Committee that the Attorney General "had no role in this decision whatsoever, initially or at any stage."[103]

Allegation: In August and September 1999, Chairman Burton alleged that Attorney General Reno had intentionally withheld evidence from Congress on the use of "military rounds" of tear gas, which may have some potential to ignite a fire, during the siege of the Branch Davidian compound in Waco, TX. Specifically, on a national radio news broadcast in August 1999, he stated that Attorney General Reno "should be summarily removed, either because she's incompetent, number one, or, number two, she's blocking for the President and covering things up, which is what I believe."[104]

Further, on September 10, 1999, Chairman Burton wrote the Attorney General regarding a 49-page FBI lab report that on page 49 references the use of military tear gas at Waco. He stated that the Department had failed to produce that page to the Committee on Government Reform during the Committee's Waco investigation in 1995, and asserted that this failure "raises more questions about whether this Committee was intentionally misled during the original Waco investigation."[105] In a subsequent television interview, Chairman Burton stated, "with the 49th page of this report not given to Congress when we were having oversight investigations into the tragedy at Waco and that was the very definitive piece of paper that could have given us some information, it sure looks like they were withholding information."[106]

The Facts: Evidence regarding the use of "military rounds" of tear gas was in Chairman Burton's own files at the time he alleged that the Department of Justice had withheld this information. Within days after Chairman Burton's allegations, the minority staff found several documents provided by the Department of Justice to Congress in 1995 that explicitly describe the use of military tear gas rounds at Waco on April 19, 1993.[107]

Further, contrary to Chairman Burton's allegations, the Department of Justice in fact had

produced to the Committee copies of the FBI lab report that did include the 49th page. Former Senator John Danforth, whom the Attorney General appointed as a special counsel to conduct an independent investigation of Waco-related allegations, recently issued a report that commented as follows on document production to congressional committees:

> [W]hile one copy of the report did not contain the 49th page, the Committees were provided with at least two copies of the lab report in 1995 which did contain the 49th page. The Office of Special Counsel easily located these complete copies of the lab report at the Committees' offices when it reviewed the Committees' copy of the 1995 Department of Justice production. The Department of Justice document production to the Committees also included several other documents that referred to the use of the military tear gas rounds, including the criminal team's witness summary chart and interview notes. The Special Counsel has concluded that the missing page on one copy of the lab report provided to the Committees is attributable to an innocent photocopying error and the Office of Special Counsel will not pursue the matter further.[108]

Allegation: In November 1999, Chairman Burton appeared on television and claimed that FBI notes of interviews with John Huang show that the President was a knowing participant in an illegal foreign campaign contribution scheme. According to the Chairman, "Huang says that James Riady told the President he would raise a million dollars from foreign sources for his campaign," that "$700,000 was then raised by the Riady group in Indonesia," and that "that money was reimbursed by the Riadys through intermediaries in the United States. All that was illegal campaign contributions." He further stated: "[T]his $700,000 that came in – the President knew that James Riady was doing it. He knew it was foreign money coming in from the Lippo Group in Jakarta, Indonesia, and he didn't decline it. He accepted it, used it in his campaign, and got elected."[109]

The Facts: The FBI interview notes do not support the Chairman's allegation. The FBI notes of interviews with Mr. Huang do indicate that Mr. Riady, who was a legal resident at the time, told President Clinton that he would like to raise one million dollars.[110] The notes do not indicate, however, that Mr. Riady discussed the source of the contributions he intended to raise, and Mr. Huang told the FBI that he personally never discussed individual contributions or the sources of such contributions with the President.[111]

In December 1999, John Huang appeared before the Committee. He testified that he had no knowledge regarding whether President Clinton knew of foreign money coming from the Lippo group to his campaign, and that he did not believe that the President knew about it. He further stated that he had no knowledge that Mr. Riady indicated to the President the source of the money he intended to raise.[112] In addition, Mr. Huang testified that, as far as he knew, President Clinton had not participated in or had any knowledge of efforts to raise illegal foreign campaign contributions.[113]

Allegation: In December 1999, Chairman Burton alleged that the White House prevented White House Communications Agency (WHCA) personnel from filming the President

meeting with James Riady, a figure from the campaign finance investigation, at an Asia-Pacific Economic Cooperation (APEC) summit meeting in New Zealand in September 1999. During a December 15, 1999, hearing entitled "The Role of John Huang and the Riady Family in Political Fundraising," Chairman Burton showed the two tapes made by the WHCA personnel, and then showed a video filmed by a press camera. Of the third tape, the Chairman said:

> **That shows a little different picture. The White House tapes don't show it, but President Clinton really did pay some special attention to Mr. Riady. This White House is so consumed with covering things up that their taxpayer-funded photographer wouldn't even allow a tape to be made of the President shaking Mr. Riady's hand. No one minded the President meeting Mr. Riady. They just didn't want anyone to know how warmly he was greeted because of the problems surrounding Mr. Riady.[114]**

The Facts: President Clinton shook James Riady's hand in a rope line in New Zealand in September 1999. One of the WHCA cameras filming the President from the side stopped filming as the President greeted Mr. Riady. The other camera, filming the President head-on, panned away from the President as he moved down the rope line and did not return to him until he moved past Mr. Riady. The third camera, the camera Chairman Burton claimed was operated by a member of the press, captured the whole exchange between the President and Mr. Riady. This exchange lasted approximately 10 seconds and consisted of a handshake and a brief, inaudible conversation.

Committee staff interviewed Jon Baker, the person who operated the camera filming the President from the side, and Quinton Gipson, the person who operated the camera filming the President head-on. Mr. Baker told staff that no one instructed him not to film the President and Mr. Riady and he did not know who Mr. Riady was. Similarly, Mr. Gipson said he did not know who James Riady was and that he did not get any guidance about taping the event from anyone.

WHCA policy is to film any remarks the President gives, but not necessarily to film every move the President makes. WHCA camera operators do not take direction from the White House about how to cover events. Mr. Baker told Committee staff that he stopped filming when he did because he had to pack up his equipment and rush to join the motorcade and it was a coincidence that neither he nor the other cameraman captured the full exchange between the President and Mr. Riady.

Allegation: In January 2000, Rep. Howard Coble, chairman of the House Judiciary Subcommittee on the Courts and Intellectual Property, asked the Judicial Council of the D.C. Circuit to investigate Chief District Judge Norma Holloway Johnson's decision to bypass random case assignments on several campaign finance cases. He charged that Judge Johnson's decision "may have been prejudicial to the effective and impartial administration of court business." In May 2000, Chairman Burton commented on Judge Johnson's actions as follows: "The appearance here is that Judge Johnson has deliberately given these cases to Clinton appointees to protect the President and Vice President."[115]

The Facts: In 1998, Judge Johnson assigned three cases to judges appointed by President Clinton, instead of using the court's regular practice of random assignments by computer. These cases included a tax case against former Associate Attorney General Webster Hubbell and indictments against Democratic fundraisers Charlie Trie and Pauline Kanchanalak. In January 2000, Rep. Coble and Judicial Watch filed complaints with the Judicial Council of the D.C. Circuit regarding Judge Johnson's conduct. A seven-judge panel conducted a 10-month investigation of these complaints. In February 2001, the panel concluded that Judge Johnson "did not assign cases with a political or partisan motivation or engage in any deliberate or even clear violation of the rules."[116]

Allegation: In July 2000, Chairman Burton said a videotape of a December 15, 1995, coffee at the White House indicates that Vice President Gore suggested that DNC issue advertisements be played for Democratic donor James Riady, who has been the subject of campaign finance probes. According to the Chairman, Vice President Gore "apparently states: 'We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.'"[117]

The Facts: Chairman Burton played the videotape at a July 20, 2000, hearing of the Government Reform Committee. However, it was not possible to determine what was said on the tape. Further, it was impossible to determine to whom the Vice President was speaking because he was not on camera during the alleged comment. A *Reuters* reporter describing the playing of the videotape at the hearing wrote, "Gore's muffled words were not clear."[118]

When Chairman Burton played the tape on Fox Television's program *Hannity and Colmes*, the person whose job it is to transcribe the show transcribed the tape excerpt as follows:

> We ought to -- we ought to show that to (unintelligible) here, let (unintelligible) tapes, some of the ad tapes (unintelligible).[119]

Allegation: In October 2000, the House Government Reform Committee majority released a report claiming that the Committee's investigation of White House e-mail problems had uncovered a scandal that exceeds Watergate. The majority report asserted:

> **The implications of these revelations are profound. When the Nixon White House was forced to admit that there was an eighteen-and-a-half minute gap on a recorded tape, there was a firestorm of criticism. The "gap" created by hundreds of thousands of missing e-mails, and by a Vice Presidential staff decision to manage records so they could not be searched, is of no less consequence. If senior White House personnel were aware of these problems, and if they failed to take effective measures to recover the withheld information – or inform those with outstanding document requests – then *the e-mail matter can fairly be called the most significant obstruction of Congressional investigations in U.S. history. While the White House's obstruction in Watergate related only to the Watergate break-in, the potential obstruction of justice by the Clinton White House reaches much further.*[120]**

The Facts: Several problems relating to the e-mail archiving system at the White House over the past few years prevented a subset of White House e-mails from being archived. These problems may have had some impact on White House document production, because the White House conducted searches of archived e-mails to respond to information requests from investigators. The Committee received no information that any White House official intentionally created the e-mail problems, made any attempt to impede investigation of the problems, or had any knowledge of the content of e-mails that may not have been captured.[121]

Allegation: In November 2000, Chairman Burton suggested that Vice President Gore had inappropriately interfered with a Drug Enforcement Administration investigation in Houston, Texas, of James Prince and his associates at Rap-A-Lot Records. Chairman Burton further charged that Attorney General Reno was obstructing congressional review of this matter. Discussing the Government Reform Committee's inquiry into the Prince/Rap-A-Lot matter, the Chairman told the *Dallas Morning News,* "Janet Reno is blocking, and I believe, obstructing justice for political reasons."[122] Discussing Mr. Prince, the Chairman said, "He gives a million to a church, the vice president goes to that church, and two days later, somebody [says they're] closing the case? Something's wrong. They're blocking us because I think they're afraid that this might be an embarrassment to the vice president."[123] He also told the media that there were allegations that Prince had offered $1 million to the Vice President's campaign before the Vice President visited the church Mr. Prince allegedly attended.[124]

The Facts: The evidence does indicate that on March 12, 2000, Vice President Gore visited a large Houston church that Mr. Prince attended.[125] The evidence before the Committee, however, does not support any of the other allegations. There is no evidence that anyone raised the Prince/Rap-A-Lot matter with the Vice President during that visit, or that the Vice President interfered with or took any actions at all related to the DEA's investigation of the Prince/Rap-A-Lot matter. And there is no evidence in the Committee record that demonstrates any inappropriate actions by the Attorney General in this matter. The only evidence the Committee received regarding an alleged contribution by Mr. Prince to the Vice President is a statement made by a DEA agent that he received an unsolicited phone call from a confidential source who provided third-hand, uncorroborated information that such a contribution may have been made.[126] There is no record of any such contribution to either Vice President Gore or Democratic Party organizations.

The Inspector General for the Justice Department investigated the allegations relating to Vice President Gore as part of a review of other allegations concerning the Prince/Rap-A-Lot matter. The Inspector General issued a report on March 9, 2001, which concluded: "We found no evidence to support the allegation that Vice President Gore was involved in any action relating to the DEA investigation of Prince."[127]

Citations

1. The minority staff of the Government Reform Committee estimates that the costs of the congressional campaign finance investigations alone have exceeded $23 million. This figure includes $8.7 million that a 1998 General Accounting Office report found federal agencies reported spending on responding to congressional inquiries on campaign finance matters; over $8 million that the House Government Reform Committee has spent on its campaign finance investigation; $3.5 million that the Senate Governmental Affairs Committee spent on its campaign finance investigation; $1.2 million authorized for the House Committee on Education and the Workforce's investigation of allegations of campaign finance abuses concerning the Teamsters; and $2.5 million authorized for a select committee that investigated allegations that the Clinton Administration gave missile technology to China in exchange for campaign contributions. *See GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries* (June 23, 1998); House Committee on Government Reform and Oversight, *Interim Report: Investigation of Political Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views,* 105th Cong, 3968-69 (1998) (H. Rept. 105-829). When the costs of investigating allegations in addition to the campaign finance allegations are included, the total costs likely significantly exceed $23 million. Many of these additional investigations involved substantial congressional resources as well as executive branch resources to respond to inquiries. For example, to investigate allegations concerning the government's actions at Waco, Texas, the House Government Reform Committee has conducted at least 82 interviews, and has received over 750,000 pages of documents from the Justice Department and the Defense Department in response to Committee requests.

2. CBS, *CBS Morning News* (Oct. 20, 1997).

3. CBS, *CBS This Morning* (Oct. 20, 1997).

4. NBC, *NBC News At Sunrise* (Oct. 20, 1997).

5. NBC, *Today* (Oct. 20, 1997).

6. ABC, *ABC World News Sunday* (Oct. 19, 1997).

7. CNN, *CNN Early Prime* (Oct. 19, 1997).

8. CNN, *CNN Morning News* (Oct. 20, 1997).

9. CNN, *Headline News* (Oct. 20, 1997).

10. CNN, *Early Edition* (Oct. 20, 1997).

11. Fox, *Fox Morning News* (Oct. 20, 1997).

12. Fox, *Fox News Now/Fox In Depth* (Oct. 20, 1997).

13. *Tapes May Have Been Altered, Rep. Burton Says; Clinton Aide Decries Chairman's 'Innuendo'* (Oct. 20, 1997).

14. *GOP Suggests Tapes Altered* (Oct. 20, 1997).

15. *GOP Suspects White House Altered Fund-raising Tapes* (Oct. 20, 1997).

16. *Panel May Use Lip Readers to Check Fund-raising Tapes* (Oct. 20, 1997).

17. *Tape-Tampering Denied* (Oct. 21, 1997).

18. Senator Thompson announced these findings on NBC's *Meet the Press* (Dec. 7, 1997). Only a handful of media outlets reported this announcement, and these reports focused on other campaign finance issues and mentioned the Thompson announcement only at the very end of the accounts. *E.g., Reno and Freeh to Testify, Morning Edition*, National Public Radio (Dec. 9, 1997) (reporting on the upcoming House Government Reform and Oversight Committee hearing on the independent counsel decision and noting Senator Thompson's announcement at the very end). Beyond coverage of Senator Thompson's announcement, one article reported that Paul Ginsburg, a technical expert hired by the Senate Governmental Affairs Committee, had found no signs of doctoring. *See Expert: Coffee Tapes Are Clean*, Newsday (Nov. 8, 1997), and the "Real Deal" segment at the end of *Face the Nation* on November 2, 1997, followed up on Rep. Burton's allegation to report that Mr. Ginsburg was going to report that there was no doctoring.

19. *See, e.g.*, Congressional Record, H5632 (July 13, 1994).

20. Office of Independent Counsel, *Report on the Death of Vincent W. Foster, Jr. (In Re: Madison Guaranty Savings & Loan Association)*, 5 (Oct. 10, 1997) (citing Federal News Service (Aug. 10, 1993)).

21. *Id.* at 7 (citing *Report of the Independent Counsel Robert B. Fiske, Jr., In Re: Vincent W. Foster, Jr.*, at 58).

22. *Id.* at 111.

23. *Former Clinton Aide Faces Questions on Memo; Document Suggests that First Lady Was Behind Firings in Travel Office*, Milwaukee Journal Sentinel (Jan. 6, 1996).

24. House Committee on Government Reform and Oversight, *Hearing, White House Travel Office – Day Three*, 104th Cong., 111 (Jan. 24, 1996).

25. Press Release, Office of the Independent Counsel (June 22, 2000).

26. Congressional Record, H6633 (June 20, 1996).

27. House Committee on Government Reform and Oversight, *Investigation of the White House and Department of Justice on Security of FBI Background Investigation Files*, 104th Cong., 16 (1996) (H. Rept. 104-862).

28. Office of Independent Counsel, *Report of the Independent Counsel (In Re: Madison Guaranty Savings and Loan Association) In Re: Anthony Marceca*, 7-8 (March 16, 2000).

29. CNN, *Late Edition with Frank Sesno* (Feb. 16, 1997).

30. Congressional Record, H4097 (June 20, 1997).

31. *See Senate Panel Is Briefed on China Probe Figure; Officials Say Evidence May Link L.A. Businessman to Election Plan*, Washington Post (Sept. 12, 1997).

32. *E.g.*, CBS Evening News (June 11, 1997); *Huang Leaked Secrets, GOP Lawmaker Says,* Los Angeles Times (June 13, 1997); *Republican Lawmaker Alleges Huang Passed Secrets; Communications with Lippo Group Questioned,* Baltimore Sun (June 13, 1997); *Congressman Says Evidence Confirms Huang Passed Secrets – The House Rules Chairman Says Information Was Given to the Lippo Group,* Fort Worth Star-Telegram (June 13, 1997); *Huang Gave Classified Data to Lippo, Lawmaker Claims,* Austin American-Statesman (June 13, 1997); *Huang Accused of 'Economic Espionage,'* Cincinnati Enquirer (June 13, 1997); *Legislator Alleges Fund-raiser Gave Classified Data to Overseas Company*, Las Vegas Review-Journal (June 13, 1997); *Dem Donor 'Breached Security' Lawmaker Accuses Ex-Clinton Appointee,* Arizona Republic (June 13, 1997); *Congressman Alleges Huang Passed Secret Data to Firm; White House, FBI Decline to Comment on Solomon's Remarks,* Milwaukee Journal Sentinel (June 13, 1997).

33. Gerald Solomon Interview FD-302 at 1 (Aug. 28, 1997).

34. Gerald Solomon Interview FD-302 at 1 (Feb. 11, 1998).

35. CNN, *Inside Politics* (Aug. 27, 1997).

36. *GOP Lawmaker Seeks Counsel to Probe O'Leary-Chung Tie,* Buffalo News (Aug. 22, 1997).

37. Notification to the Court Pursuant to 28 U.S.C. §592 (b) of Results of Preliminary Investigation (Dec. 2, 1997).

38. *Id.* The House Government Reform and Oversight Committee also discovered that fact. The Committee deposed several individuals, including Secretary O'Leary, to investigate the allegation by Mr. Chung regarding Secretary O'Leary. The Committee scheduled a hearing on the matter, but, upon discovering the allegation was false, canceled the hearing.

39. NBC's *Meet the Press* (Sept. 14, 1997).

40. *White House Denies Role in Audit of Jones; IRS Has History of Targeting 'Enemies,'* Washington Times (Sept. 16, 1997).

41. *E.g., Whistleblowers' Letter, Newspapers Alert Agency,* Washington Times (Sept. 29, 1997); *Conservatives Suspect IRS Audit Is Price of Opposing Clinton Policies,* Washington Times (Apr.

21, 1997); *Politics and the IRS,* Wall Street Journal (Jan. 9, 1997).

42. Staff of the Joint Committee on Taxation, *Report of Investigation of Allegations Relating to Internal Revenue Service Handling of Tax-Exempt Organization Matters* (March 2000).

43. *Id.* at 7.

44. House Committee on Government Reform and Oversight, *Hearings on Conduit Payments to the Democratic National Committee*, 105th Cong., 7 (Oct. 9, 1997) (H. Rept. 105-51).

45. *Id.* at 257, 271.

46. Minority Staff Report, House Committee on Government Reform and Oversight, *Evidence that John Huang Was in New York City on August 15, 16, 17, and 18* (Oct. 9, 1997).

47. House Committee on Government Reform, *Hearing on the Role of John Huang and the Riady Family in Political Fundraising*, 108 (Dec. 15, 1999) (stenographic record).

48. House Committee on Government Reform, *Hearing on the Role of Yah Lin "Charlie" Trie in Illegal Political Fundraising*, 250-52 (March 1, 2000) (stenographic record).

49. House Committee on Government Reform and Oversight, *Hearings on Campaign Finance Improprieties and Possible Violations of Law*, 105th Cong., 11-12 (Oct. 8, 1997) (H. Rept. 105-50).

50. Proffer of Nora and Gene Lum to the Committee on Government Reform and Oversight (Aug. 22, 1997).

51. *E.g.*, *Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined*, Washington Post (Oct. 9, 1997); *House Panel to Hear of '92 Clinton Donation Problem Probe*, Los Angeles Times (Oct. 9, 1997).

52. Proffer of Nora and Gene Lum, *supra* note 50, at Part B.1-3.

53. Deposition of Richard C. Bertsch, House Committee on Government Reform and Oversight, ex. 12 (March 30, 1998). The letter was addressed to Richard Choi Bertsch, who worked for an organization called the Asian Pacific Advisory Council-VOTE ("APAC") which conducted get-out-the-vote and fund-raising activities in the Asian-American community in California in 1992. *Id.* at 10-13, 20-22.

54. CBS's *Face the Nation* (Oct. 19, 1997).

55. Senate Committee on Governmental Affairs, *Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns,* 105th Cong., v. 6, 9345-46 (1998) (S. Rept. No. 167); *Meet the Press* (Dec. 7, 1997) (interview with Senator Thompson).

56. Deposition of Joseph Simmons, House Committee on Government Reform and Oversight, 149 (Oct. 18, 1997); Deposition of Alan P. Sullivan, House Committee on Government Reform and Oversight, 37 (Oct. 17, 1997); Deposition of Steven Smith, House Committee on Government Reform and Oversight, 99 (Oct. 18, 1997).

57. The conservative publication *Insight* magazine reported that "dozens of big-time political donors or friends of the Clintons" had gained waivers of the eligibility rules regarding burials at Arlington National Cemetery. Without naming its sources, the article stated that a "national cemetery official" and other sources are "outraged that the Clinton White House has applied pressure to gain waivers for fat-cat donors." *Is There Nothing Sacred?*, Insight Magazine (dated Dec. 8, 1997, but reportedly released in advance of that date).

58. *White House Denies Burial Politics*, Atlanta Constitution (Nov. 21, 1997); *Burton to Probe Plots-for-Politics Allegations*, Indianapolis Star News (Nov. 21, 1997).

59. Press Release, Rep. Gerald Solomon (Nov. 20, 1997).

60. General Accounting Office, *Arlington National Cemetery: Authority, Process, and Criteria for Burial Waivers*, 2-3, appendix 1 (Jan. 28, 1998) (GAO/T-HEHS-98-81).

61. *Id.* at 1.

62. *Id.* at 9.

63. House Committee on Government Reform and Oversight, *Hearings on the Department of the Interior's Denial of the Wisconsin Chippewa's Casino Application*, 105th Cong., v.1, 106, 340 (Jan. 28, 1998).

64. Office of Independent Counsel, *Final Report of Independent Counsel In Re: Bruce Edward Babbitt*, 430, 441 (Aug. 22, 2000).

65. *Burton's Pursuit of President*, Indianapolis Star (Apr. 16, 1998).

66. Congressional Record, H4545 (June 11, 1998).

67. *Subpoena Widens Finance Probe; Request for White House Papers Covers 25 Categories, Copy Shows*, Washington Post (Aug. 15, 1997).

68. House Committee on Government Reform and Oversight, *Investigation of Political Fundraising Improprieties and Possible Violations of Law*, 105th Cong, 3978 (1998) (H. Rept. 105-829).

69. Letter from Rep. Henry Waxman to Chairman Dan Burton (May 3, 1998).

70. *Bridling G.O.P. Leader Says Tapes Speak for Themselves*, New York Times (May 5, 1998); *Burton Defends Hubbell Transcript Actions*, Washington Post (May 5, 1998).

71. *Opening Statement by Chairman Burton,* House Committee on Government Reform and Oversight, Business Meeting, 6-13 (Apr. 23, 1998); Congressional Record, H2338 (Apr. 28, 1998); Congressional Record, H2444 (Apr. 29, 1998).

72. Congressional Record, H2336 (Apr. 28, 1998).

73. Congressional Record, H3453 (May 19, 1998).

74. House Committee on Government Reform and Oversight, Business Meeting, 87 (Apr. 23, 1998) (stenographic record).

75. Deposition of Larry Wong, House Committee on Government Reform and Oversight, 13-14, 19, 26-27, 43, 52, 57 (July 27, 1998).

76. *Id.* at 85.

77. Congressional Record, H3239 (May 13, 1998).

78. *GOP Breaking China Over Clinton's Deals,* National Journal (May 23, 1998).

79. *See Internal Justice Memo Excuses Loral,* Los Angeles Times (May 23, 2000).

80. Memorandum from Lee Radek to James Robinson, Assistant Attorney General, Criminal Division (Aug. 5, 1998).

81. The Addendum to Interim Report for Janet Reno and Louis Freeh Prepared by Charles La Bella and James DeSarno (Aug. 12, 1998).

82. House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, 105th Cong., 2nd Sess. (Committed to the Committee of the Whole House, Jan. 3, 1999; Declassified in Part, May 25, 1999) (H. Rept. 105-851).

83. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998).

84. *Database Criminal Probe Sought,* Washington Post (Sept. 9, 1998).

85. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998); House Committee on Government Reform and Oversight, *Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters*, 105th Cong., 574-581 (Oct. 30, 1998) (H. Rept. 105-828).

86. Letter from M. Faith Burton, Special Counsel to the Assistant Attorney General, to Rep. David McIntosh (May 6, 1999).

87. House Committee on Government Reform and Oversight, *Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters*, 105th Cong., 1-6, 33-44 (Oct. 30, 1998) (H. Rept. 105-828).

88. *Id.*, Minority Views, 564-68.

89. Letter from Chairman Dan Burton to Attorney General Janet Reno (March 22, 1999).

90. *Id.*

91. Charles Duncan's Responses to Interrogatories (Apr. 20, 1998).

92. Letter from Chairman Dan Burton to Attorney General Janet Reno, *supra* note 89.

93. Statement of Steven C. Clemons (Feb. 25, 1998); Letter from Rep. Henry A. Waxman to Attorney General Janet Reno (Apr. 13, 1999).

94. Statement of Alan Gershel, Deputy Assistant Attorney General, Department of Justice, House Committee on Government Reform, *Hearing on Contacts between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails* (Sept. 26, 2000).

95. Press Release, Chairman Dan Burton, *Burton Angered by Harassment of Witness* (June 29, 1999).

96. Letter from Rep. Henry Waxman to Chairman Dan Burton (July 15, 1999).

97. Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99_07_15db-rules.htm).

98. *See* Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995).

99. Letter from Wallace H. Cheney, Assistant Director/General Counsel, Federal Bureau of Prisons, to Joseph M. Gabriel, Law Offices of Langberg, Leslie and Gabriel (March 2, 1995); Letter from Bonnie L. Gay, Attorney-in-Charge, FOIA/PA Unit, Executive Office of United States Attorneys, Department of Justice, to Joseph M. Gabriel (Dec. 15, 1994); *See* Letter from Magda S. Ortiz, FOIA/PA Reviewing Officer, Immigration and Naturalization Service, to Rebekah Poston (Dec. 6, 1994) (explaining that a potentially responsive record was illegible and requesting additional information); Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995) (explaining that the INS searched for, but ultimately could not find, a record responsive to the FOIA request).

100. Testimony of Richard Huff and Rebekah Poston, House Government Reform Committee, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department*, 129-31 (July 27, 2000) (stenographic record).

101. Testimony of John Schmidt and John Hogan, House Committee on Government Reform, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department*, 120-23, 128, 140-41 (July 27, 2000) (stenographic record).

102. Memorandum from Attorney General Janet Reno to Staff of the Attorney General (Apr. 28, 1995).

103. House Committee on Government Reform, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department,* 154 (July 27, 2000) (stenographic record).

104. *Morning Edition*, National Public Radio (Aug. 31, 1999).

105. Letter from Chairman Burton to Attorney General Janet Reno (Sept. 10, 1999).

106. Fox News, *Fox News Sunday* (Sept. 12, 1999).

107. Letter from Rep. Henry Waxman to John Danforth, Special Counsel (Sept. 13, 1999); FBI FD-302 of FBI Agent (June 9, 1993) (reporting that a pilot heard "a high volume of [Hostage Rescue Team] traffic and Sniper [Tactical Operations Command] instructions regarding . . . the insertion of gas by ground units," including "one conversation, relative to utilization of some sort of military round to be used on a concrete bunker"); FBI H.R.T. Interview Schedule (Nov. 9, 1993) (summarizing an interview with an FBI agent and stating that "smoke on film came from attempt to penetrate bunker w/1 military and 2 ferret rounds" and further describing the military round as "Military was . . . bubblehead w /green base"); Handwritten notes (April 19, 1993) (making repeated references to military rounds fired on April 19, 1993, such as "smoke from bunker came when these guys tried to shoot gas into the bunker (military gas round)").

108. John C. Danforth, Special Counsel, *Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas*, 54 (July 21, 2000).

109. MSNBC, *Watch It! With Laura Ingraham* (Nov. 2, 1999).

110. John Huang Interview FD-302 at 19 (Jan. 19 - Feb. 10, 1999).

111. John Huang Interview FD-302 at 129 (Feb. 23 - March 26, 1999).

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113. *Id.* at 95.

114. House Committee on Government Reform, *Hearings on the Role of John Huang and the Riady Family in Political Fundraising,* 15-16 (Dec. 15, 1999) (stenographic record).

115. Press Release, Chairman Dan Burton, *Judge Norma Holloway Johnson Refuses to Testify Before Committee* (May 11, 2000).

116. Washington Post, *Judge Is Cleared of Impropriety; No Political Motive Found in Assignment of Sensitive Cases* (Feb. 27, 2001).

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123. *Id.*

124. *Panel Probes if Gore Blocked Drug Case*, Washington Times (Nov. 25, 2000).

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Exhibit 2

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

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March 15, 2001

The Honorable Dan Burton
Chairman
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

I am writing to inquire about the status of the Committee's investigation of the Marc Rich pardon and other pardons by President Clinton.

As I'm sure you know, several Republican leaders have indicated publicly that the congressional investigations are drawing to a close. In an interview broadcast on CNN on March 10, House Speaker Dennis Hastert discussed the pardons investigation, stating, "I think, probably from my point of view, about all that information (that) is going to come out, has come out," and "I think this is kind of winding down on its own." With respect to the congressional pardon probes, Senate Majority Leader Trent Lott also stated last week, "I'd be inclined to move on." Similarly, the *Associated Press* last week quoted "a high-ranking Republican aide," who stated, "There is a collective sense that the [Government Reform Committee] has gone about as far as it can."

Despite these comments, your investigation now appears to be escalating and moving beyond the Marc Rich matter to other pardons President Clinton issued. To date, as part of the Committee's pardons investigation, you have issued 56 letters requesting documents and information regarding 229 people. These include numerous requests in the past few days. On March 8 and 9, for example, you requested information from former Isreali Prime Minister Ehud Barak, issued a broad request to the National Archives for records relating to 22 individuals, and requested interviews with two other individuals. You have also issued three subpoenas since the Committee's March 1 hearing, including subpoenas for the phone records of Denise Rich, Beth Dozoretz, and Ron Dozoretz. And yesterday my staff received notice that you intend to subpoena records from Roger Clinton.

Moreover, Committee staff conducted an interview on Monday regarding the pardons matter, on Tuesday you requested interviews with Tony Rodham, Hugh Rodham, and Roger Clinton, and several other interviews are scheduled for next week. The Committee has also received over 6,500 pages of documents to date in response to its requests, with many additional documents due.

The Committee's investigation appears to involve a broad range of Clinton pardons. For example, in addition to the Marc Rich pardon, the Committee is seeking information relating to the clemency decisions concerning Almon Braswell, Carlos Vignali, Harvey Weinig, Edgar Gregory, and Vonna Jo Gregory. In addition, the Committee is seeking information regarding consideration of clemency for Eugene Lum, Nora Lum, and individuals for whom Roger Clinton may have advocated, among many others.

Given the statements Speaker Hastert made about "winding down" the House investigation, I am sure you can understand why your new round of information requests and subpoenas is creating confusion. It would be most helpful to know whether the Speaker's comments were accurate or whether you are planning to devote significant additional resources to investigating pardons and other clemency decisions.

If the investigation is going to continue, I believe it would be sensible for our Committee to adopt a suggestion proposed in a March 12 *USA Today* editorial. Since the U.S. Attorney's office in New York is now conducting a criminal investigation into all of the pardons and other clemency orders President Clinton issued, it would be unnecessary and a waste of taxpayer dollars for our Committee to duplicate that work.

A better course, as *USA Today* suggested, would be to leave the criminal investigation to the U.S. Attorney's office and focus our Committee on a broad examination of how the pardon system has worked in different administrations. To do this fairly and comprehensively, we would need to scrutinize questionable pardons issued in the past, including former President Bush's pardons of Armand Hammer, Caspar Weinberger, and Aslam Adam, as well as the role played by Florida Governor Jeb Bush in successfully lobbying for Orlando Bosch's release from jail by the former Bush Administration.

This approach has the benefit of being even-handed and nonpartisan in scope, avoiding duplication with the U.S. Attorney's office, and providing an opportunity for valuable insights and possible improvements into the pardon process.

I am including the *USA Today* editorial for your convenience, and look forward to learning your thoughts on how you intend to proceed with the investigation.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the House Committee on Government Reform

12A · MONDAY, MARCH 12, 2001 · USA TODAY

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Narrow pardon probe ignores needed reforms

Our view:

Clinton wasn't the first president to exploit loopholes in the process.

After four congressional hearings, testimony by 20 witnesses and a torrent of disclosures from internal White House e-mails, Congress' probe of President Clinton's pardons is drawing to a close with a shrug: "I think this is kind of winding down on its own," House Speaker Dennis Hastert, R-Ill., said in a CNN interview Saturday.

The brusque ending comes with no clear findings of what's wrong with the pardon system and few proposals on how to fix it: an unsatisfying finish to an unsavory meal.

The much-watched House Government Reform Committee hearings served up more evidence of Clinton's lack of standards in bestowing undeserved mercy on well-connected felons and fugitives. Yet, the committee run by Rep. Dan Burton, R-Ind., refused to look deeper, for instance, into questionable pardons of past presidents, including Ronald Reagan and George Bush, that might provide insight into the system.

As for potential criminality, U.S. Attorney Mary Jo White of New York already is investigating the most troubling pardons and is best equipped to ferret out wrongdoing.

Left unresolved, though, are several troubling issues in the pardon process:

▸ **Secrecy.** In 1934, the Justice Department stopped providing annual reports of even the most basic pardon information, such as the names and offenses of those pardoned. And unlike other federal lobbyists, pardon lobbyists, whether influential lawyers or presidential relatives, aren't required to register publicly. The lack of transparency allows influence peddling and obscures information that could reveal problems.

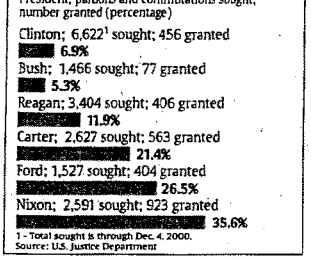
▸ **Disorder.** Former president Bush granted a flurry of pardons, several controversial, in his final days in office. And Clinton broke all modern records by granting 140 pardons in his final chaotic hours — too late to fear any electoral price. Such last-minute actions hamper voter scrutiny.

▸ **Diffuse authority.** The Justice Department's authority to recommend for or against pardons once rested with the attorney general, a figure sensitive to public

Pardon pleas rise

Presidents have used their powers to grant pardons and commute sentences in vastly different ways, but it appears that as the number of pardon applications has risen sharply, the percentage of grants has generally fallen.

President; pardons and commutations sought; number granted (percentage)



1 - Total sought is through Dec. 4, 2000.
Source: U.S. Justice Department

By Keith Simmons, USA TODAY

uty. And presidents are free to grant pardons outside the Justice Department process, as Clinton did on a grand scale. The lack of a high-profile gatekeeper leaves the system vulnerable to abuse.

Congress can't do much about this. Under the Constitution, the president's pardon power is absolute, and as a fail-safe in the criminal justice system, it should remain so. Short of an ill-advised constitutional amendment, there is no way to guarantee against a repeat of the Clinton pardon fiasco.

But Congress and future presidents could go a long way toward improving the process. Opening the system with public reporting would be a beneficial step toward scuttling unjustifiable pardons, such as Marc Rich's. So, too, would reporting requirements for pardon lobbyists, as called for by Sen. Arlen Specter, R-Pa. Disclosure might dissuade a president's brother-in-law from accepting $400,000 to seek pardons for a convicted drug smuggler and a convicted swindler.

President Bush could also vest the power to review pardon applications in the attorney general, make clear they must undergo Justice Department review and promise not to grant any pardons in the final six months of his term.

It would be easy to churn more political theater from Clinton's unpardonable misuse of his power — or to simply move on. Better for the country, though, to turn it into

Exhibit 3

ALAN M. DERSHOWITZ
1575 MASSACHUSETTS AVENUE
CAMBRIDGE • MASSACHUSETTS • 02138

VIA FACSIMILE

January 25, 2001

Mr. Mike Tirone
Producer
"Hardball with Chris Matthews"
One MSNBC Plaza
Secaucus, NJ 07094

Dear Mr. Tirone:

I want to register strong disapproval about last night's show and the manner in which I was treated. I want to make it clear that my anger is not directed personally at you, but at the show in general.

You will recall that you asked me to be on the show to defend President Clinton's decision to grant pardon to Mark Rich. I told you that I was familiar with the case, since I had consulted with his legal team in the early 1990s. At first, you told me that I would be on opposite Rudy Giuliani (whose office indicted Rich), and later you told me I would be on opposite Robert Reich, who was strongly opposed to the pardon. You then called to say that the entire segment would be off the air because of President Bush's meeting with Senator John McCain. After discussing the case further with me, you decided that it was essential to have the matter aired that night and to present both sides. You arranged for me to be on the top of the show opposite an opponent of the pardon. The car was literally downstairs at 4:20 p.m. when you called to tell me that the McCain-Bush meeting had required you to cancel the segment altogether.

I was shocked to turn on the show and watch an extensive discussion of the Mark Rich pardon, with three guests plus the host strongly opposing it – indeed, mocking it – without anyone presenting the other point of view. This is irresponsible television. It is irresponsible politics. It is irresponsible as a matter of plain, ordinary decency. There are two sides to this issue, as there are to most. You owe it to your viewers to present both sides. I was prepared to present a very strong, factual defense of the pardon and of Mark Rich's innocence. I told you about two prominent tax lawyers, one a professor who had written memoranda indicating that what Mr. Rich had done did not constitute

a crime. That story broke in this morning's *New York Times;* it could have broken last night on your show. I was also prepared to explain why the word "fugitive" did not quite fit Mr. Rich's status.

Let me add that I have had no contact with Mr. Rich or with anyone on his defense team for many years. I was prepared to defend the merits of his claim because I believe it is just. I was also prepared to argue that the President was right in not seeking the approval of the Justice Department for pardons. The Justice Department is an adversarial relationship to the granting of pardons, since they have prosecuted these cases and rarely, if ever, see any virtue on the other side. This is a presidential decision, not a Justice Department decision, and I believe that President Clinton did the right thing.

This is a serious matter because your show is justly influential and widely watched. I really think you should reconsider your frequent policy of presenting only one side of a controversial issue.

Sincerely,

Alan M. Dershowitz

AMD/mjl

cc: Chris Matthews

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ADMITTED IN D.C., NOT ADMITTED IN VIRGINIA

April 3, 2002

The Honorable Dan Burton
Chairman
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Marie Ragghianti's Response to the Report about Presidential Pardons, "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Representative Burton:

I am writing to present Marie Ragghianti's response to the Report prepared by the House Committee on Government Reform, "Justice Undone: Clemency Decisions in the Clinton White House." Ms. Ragghianti, who formerly was Chief of Staff of the United States Parole Commission, is concerned with Chapter Two, "Roger Clinton's Involvement in Lobbying for Executive Clemency."

The Executive Summary of the Report includes the following finding:

Roger Clinton lobbied for the release from prison of Rosario Gambino, a notorious heroin dealer and organized crime figure.

...

- *Roger Clinton attempted to use his relationship to the President to influence the decisionmaking of the United States Parole Commission ("USPC").* Roger Clinton lobbied the Parole Commission to grant parole to Gambino. While lobbying Parole Commission staff, Roger Clinton informed them that President Clinton was aware of his efforts on behalf of Rosario Gambino and that the President had suggested that he contact the Parole Commission members directly. Although the Commission staff tried to insulate the Commissioners from undue influence, Roger Clinton clearly attempted to use his relationship to the President to influence the Commission improperly and win Gambino's release.

- *The Chief of Staff of the Parole Commission hindered the FBI's investigation.* In 1998, the FBI began investigating Roger Clinton's contacts with the Parole Commission. However, it met resistance from Marie Ragghianti, the Chief of Staff of the Parole Commission. Ragghianti, who had participated in meetings

with Roger Clinton on the Gambino case, objected to the FBI investigation and successfully halted an FBI plan to have an undercover agent meet with Clinton posing as a Parole Commission staffer. She also attempted to keep the FBI from recording a meeting between Roger Clinton and a Parole Commission staffer. Ragghianti's efforts may have kept the FBI from reaching a full understanding of Roger Clinton's involvement in the Gambino case.

Ms. Ragghianti takes strong exception to the conclusion that she hindered the FBI's investigation of Roger Clinton. The implication of that conclusion is that Ms. Ragghianti was acting inappropriately in her position as Chief of Staff of the United States Parole Commission. In fact, Ms. Ragghianti worked diligently to serve the interests of the Parole Commission, which was her responsibility.

The conclusions concerning Ms. Ragghianti are based on a number of wrongful assumptions and misperceptions. In addition, this Report appears to bolster its findings through reliance upon subjective interpretations and incomplete information. This letter will address those matters. However, in light of the detailed nature of the report, it is not possible to rebut every misleading statement.

The subjective nature of the conclusions leads to a greater problem with the Report. Ms. Ragghianti was not advised that her actions were under investigation. She met with the Committee in an attempt to be helpful and provide information. If she were under investigation for possibly hindering an FBI investigation, she should have been so advised. If she had been so notified, she could have brought counsel to the interview to advise her and would certainly have provided the Committee with her own notes on this matter. In addition, she should have had the opportunity to comment on this report before it became final.

I. The Report assumes that it is improper and unusual for private citizens to contact the Parole Commission. The Report further assumes that it is improper and unusual for Commission staffers to have conversations with private citizens.

The fundamental premise of the concerns that Roger Clinton was lobbying the Parole Commission appears to be that contact by a private citizen (such as Clinton) is improper and unusual. To the contrary, staff members at the Parole Commission receive frequent inquiries and spend time in answering the public's questions about Parole Commission procedures. The Privacy Act precludes Commission staffers from revealing information from individual files except to authorized representatives of the inmate.

Roger Clinton contacted the Parole Commission on a number of occasions. In a January 30, 1996, conversation with Clinton, the Commission's General Counsel, Michael A. Stover, advised Clinton that Commissioner Michael J. Gaines could not meet with him

and that the Commissioners' decisionmaking process operated like a court of law. Report at Ch. Two, p. 36. (Note: Ragghianti did not join the Commission until August 1997.)

Clinton next approached the Parole Commission in December 1997, when he contacted Chairman Gaines. After being contacted, Gaines advised Chief of Staff Ragghianti that Clinton had contacted him and that Gaines thought that he should not meet with Clinton. Gaines requested that Ragghianti meet with Clinton and to treat him the way she would "anyone else." Rpt. at Ch. 2, p. 38. Gaines explained to the House Committee on Government Reform staff that he asked Ragghianti, rather than General Counsel Stover, to handle these matters, because she was Chief of Staff and answered directly to him. Rpt. at Ch. Two, p. 39. Gaines also advised the Committee staff that he did not remember Stover advising against having the meeting with Clinton or of any effort to prevent the meeting. Rpt. at Ch. Two, p. 39, n. 229. (Note: Chief of Staff Ragghianti was General Counsel Stover's superior.)

After the meeting with Chairman Gaines, Ragghianti scheduled a meeting with Clinton for December 23, 1997. She asked Tom Kowalski, Director of Case Operations, to join her in the meeting.

General Counsel Stover learned of the planned meeting from Kowalski. Stover told the Committee staff that he then advised Gaines that it was not prudent to meet with a man who had previously attempted to use political influence in an improper way. Stover indicated that Gaines responded that Gaines believed Clinton should be treated with the same courtesy as any other member of the public. As noted above, Gaines indicated that he does not recall Stover advising against the meeting. Stover also told the Committee staff that he gave Ragghianti a copy of his January 1996 memorandum (attached hereto as Exhibit 1) about his conversation with Clinton. Ragghianti told the Committee staff that she did not receive a copy of the Stover memo before her meeting with Clinton. Rpt. at Ch. Two, p. 39.

The Report includes no memoranda or other documentation indicating that Stover advised Ragghianti that she should not meet with Clinton. Moreover, Stover's January 1996 memorandum to the file stated at p. 2 that "Although Roger Clinton is a member of the public who has the right to communicate his views to the Parole Commission, the Commission should not allow the fairness of its deliberations to be placed in doubt through inclusion in the record of any communication that gratuitously introduces the factor of a potential political influence into the case. My preference is for the Commission to vote a decision based only on the facts of the Gambino case, and without reference to this episode." In fact, as the record shows, this is precisely what happened. Ragghianti saw to it that all Commission protocols and legal mandates were strictly followed, from beginning to end, in the Gambino matter.

Stover's memorandum to the file apparently distinguished between Clinton's communicating his views to the Parole Commission and inclusion of information about the Clinton contact in the file used to make parole decisions. Stover's concern was that the

file used to make decisions not be prejudiced in any way by potential political influence, which apparently could occur if Clinton were mentioned in the file. Stover's memorandum does not state that Clinton is not allowed to contact the Commission or that the staff members (not Commissioners) should not meet with Clinton.

The Report does not describe the Parole Commission procedures concerning communication with the Commission. The Commission's Procedures Manual (excerpts attached hereto as Exhibit 2) sets out the procedures at § 2.22, titled "Communication with the Commission." Section 2.22-04, titled "Requirement for Written Record of Telephone Calls," provides that the general content of all telephone calls relative to a prisoner should be part of the written record. Section 2.22-05, titled "Personal Visits," provides that visits to the Commission's Office are to be summarized for the file in all cases. All personal visits are to be made upon written requests where possible and will be handled by the appropriate analyst. "Walk in" visits will be referred initially to an analyst. No examiner should grant a personal interview to a visitor regarding a prisoner unless authorized by a Commissioner.

These regulations make it clear that the Commission anticipates receiving telephone calls and personal visits in the course of its regular business. Moreover, summaries of the telephone calls and visits are to be a part of the written record. These regulations appear to contradict Stover's suggestion that information about Clinton's contacts with the Commission should not be included in the written record. (The written record, however, is to be distinguished from the record provided hearing examiners for decision-making purposes, which may include only material germane to decision-making.)

The Report assumes that it is improper and unusual for private citizens to contact the Parole Commission. The Report further assumes that it is improper and unusual for Commission staffers to have conversations with private citizens. These assumptions support the further assumption that the fact that Roger Clinton contacted the Commission and that Commission staffers met with him was inherently problematic. However, the Commission's Procedures expressly provide for communication with the Commission by private individuals. Moreover, if Commission staffers were prohibited from meeting with Clinton, then presumably Stover should have advised of that prohibition, preferably in writing.

Ragghianti met with Clinton at the direction of Chairman Gaines. She was not advised by Stover that she should not meet with Clinton. She was performing her job in a responsible manner when she met with Clinton and any assumption that the meeting was improper is incorrect.

II. The Report assumes that Ragghianti gave special treatment to Roger Clinton.

In describing Ragghianti's treatment of Clinton, the Report states that:

> While Gaines asked Ragghianti to extend only common courtesy to Clinton and treat him like any other member of the public, it is clear that from the outset, Ragghianti treated Roger Clinton like a celebrity and gave him access that she never would have afforded a member of the general public.

Rpt. at Ch. Two, p. 39.

This statement is plainly subjective and conclusory. Ragghianti has given her telephone number to numerous other people. (Ragghianti's telephone number has always been listed, due to her personal philosophy that public officials should be available at all times.) The comment that she treated Clinton like a celebrity is particularly inappropriate. Ragghianti was the subject of a book and a movie starring Sissy Spacek, both titled, "Marie." Rpt. at Ch. Two, p. 38, n. 214. Consequently, Ragghianti is much more accustomed to the "celebrity" culture than many other government employees. It is therefore absurd to assume that Ragghianti would somehow be affected because of contact with a "celebrity" such as Roger Clinton. The Report states that Ragghianti had a "warm approach" to Clinton, but cites nothing in the record to support that description. Rpt. at Ch. Two, p. 40.

The Report implies that Ragghianti and Kowalski had a different impression of the December 23, 1997, meeting with Clinton. The Report cites the memos that Ragghianti and Kowalski wrote about the meeting and states that "rather than being critical of Clinton's approach, Ragghianti appeared sympathetic." Rpt. at Ch. Two, p. 41. This is yet another statement in the Report that is conclusory. Ragghianti noted in her memo that they explained to Clinton that the Commission takes a hard line in matters relating to organized crime. Kowalski noted in his memo that "Ms. Ragghianti and I merely listened throughout the session since we did not have file [sic] nor did Mr. Clinton have a signed release from the subject. He was advised that the case would be reviewed and no further promises were given." Similarly, the Report indicates that Ragghianti thought that Clinton did not try to capitalize on his name, while Kowalski indicated that Clinton mentioned his brother at virtually every meeting. Rpt. at Ch. Two, p. 41. Ragghianti did not find it remarkable that Clinton mentioned his brother; he also frequently mentioned his child.

These memos make it clear that Clinton was not given any special treatment and that nothing improper occurred at the meeting. Whether Clinton was attempting or appeared to be attempting to capitalize on his name does not alter the fact that the Parole Commission gave Clinton no favors. It must be appreciated that Clinton was wholly unsuccessful in his efforts to obtain parole for Gambino.

The Report describes a December 30, 1997, memo by Kowalski that described Gambino's criminal activities. The Report then found that, given the findings about Gambino's activities, "it is disturbing that Ragghianti continued to meet with Clinton and discuss the Gambino case with him." Rpt. at Ch. Two, p. 42. The implication of the Report apparently is that Ragghianti ignored the fact that Gambino had participated in criminal activities. However, Ragghianti met with Clinton at the direction of her superior,

Chairman Gaines. The fact that she met with Clinton does not imply that she was sympathetic to Gambino.

The Report explained that Ragghianti claimed that the Commission had thrown the book at Gambino. Rpt. at Ch. Two, p. 40. Ragghianti had merely stated that she had been told by the staff that the Commission had given Gambino the maximum penalty when they could have given him considerably less time. The implication in the Report is that Ragghianti thought that Gambino had been given too harsh a sentence, when Ragghianti was simply reiterating to the Committee staff what she had been advised by Commission staff about Gambino's sentence. Ragghianti had no independent knowledge of or opinion about the severity of Gambino's sentence. Indeed, Ragghianti deferred at all times to decisions made by Commissioners.

The Report describes additional contacts in 1998 by Clinton with Ragghianti and Kowalski, including a July 1998 meeting. (The Report implies that Ragghianti met repeatedly with Clinton, when in fact, she met with Clinton and Kowalski no more than three times over a period of nine months.) At the July 1998 meeting, Ragghianti and Kowalski did not make substantive comments about Gambino's case, but simply listened to Clinton's concerns. Rpt. at Ch. Two, p. 42-44. The Report indicates that the fact that Ragghianti had a series of contacts with Clinton without advising Stover was troubling. According to the Report, this contact "suggests that she wanted to provide Roger Clinton with an extraordinary measure of access." Rpt. at Ch. Two, p. 45. It needs to be reiterated that Ragghianti was Stover's superior, that she did not report to him, but that she did report to Chairman Gaines, who ordered her to meet with Clinton and be courteous to him.

The Report portrayed Ragghianti's contacts with Clinton as being in contrast with "scrupulously attempting to avoid any appearance of impropriety and follow[ing] Stover's advice." According to the Report, Ragghianti "continued her contacts with Roger Clinton unapologetically and without informing Stover." Rpt. at Ch. Two, p. 45. These comments again reflect the subjective and conclusory nature of the Report. The Report assumes that there was an impropriety in meeting with Clinton. It further assumes that Ragghianti had an obligation to inform (and, apparently, get permission from) Stover about her contacts with Clinton. The Report assumes that Ragghianti's contacts with Clinton, which were done without consulting Stover, indicated that she wanted to give Clinton an "extraordinary measure of access." Rpt. at Ch. Two, p. 45.

The Report does not explain what impropriety existed in Ragghianti's meeting with Clinton and does not establish that Ragghianti was required to advise Stover of her contacts with Clinton. If Stover believed that it was important for him to be advised on ongoing dealings with Clinton, he could have made a written request to Ragghianti. The exhibits apparently include no such request from Stover that he be apprised of Ragghianti's contacts with Clinton.

Moreover, the Report appears to attribute the dispute about contacts with Clinton to being "part of a broader animosity Ragghianti harbored for Stover." Rpt. at Ch. Two, p. 46. Once again, the purported animosity is a subjective conclusion of the Report. This claim of animosity is directed at Ragghianti and ignores Stover's attitude toward Ragghianti. Incredibly, the Report concludes that Stover did not engage in any attacks on Ragghianti, but he did maintain that it was unwise for Ragghianti to engage in a series of contacts with Clinton. Rpt. at Ch. Two, p. 46. This bald conclusion contains no citation to any facts in the record. It implies that Ragghianti engaged in a "series of contacts" with Clinton without describing the actual number of contacts that did occur. The number of times that Clinton may have called Ragghianti's telephone number does not show how many times an actual conversation occurred between Ragghianti and Clinton.

Finally, it is significant that Ragghianti wrote a letter dated October 26, 1998 (attached hereto as Exhibit 3), to Clinton. The letter plainly states that it was written at the request of the Chairman and it advises Clinton that Commission policy restricts the Commission staff from engaging in a series of calls or discussions on official matters. Ragghianti's letter instructed Clinton to write the Commission, if there are any further requests. The Report noted that, during the fall of 1998, Ragghianti and Kowalski did not respond to most of Clinton's calls and that they reported the calls to Stover. Rpt. at Ch. Two, p. 47. Ragghianti did not respond to *any* of Clinton's calls during this time, or subsequently.

The Report's discussion of Ragghianti's contacts with Clinton gives the impression that she gave Clinton special treatment, extended favors to him, had numerous telephone conversations with him and was sympathetic to the merits of Gambino's case. The Report is therefore misleading and obscures the fact that Clinton was not successful in obtaining parole for Gambino. The Report mistakenly assumes that the fact that Ragghianti met with Clinton at the request of Chairman Gaines resulted in special favors being extended to Clinton and Gambino. The Parole Commission's willingness to permit staff to meet with a member of the public (even the President's brother) does not signify the Commission's willingness to bestow special favors on a member of the public (even the President's brother).

III. The Report does not include a description of the scope of the FBI investigation and the position of the Commission about the investigation.

The Report indicates that the FBI sought to review the Parole Commission's file on Gambino in late August 1998. Stover provided the FBI with the documents relating to the Gambino case. Stover stated to the Committee that the original interest of the FBI appeared to be in Gambino, rather than Clinton. On September 11, 1998, Stover informed Ragghianti that the FBI had reviewed the Gambino file at the Commission's office. Rpt. at Ch. Two, p. 44-45. The Report leaves the impression that the time and the identity of the complainant of the initiation of the FBI's investigation of Roger Clinton is still unknown. The Report states that "it appears that Roger Clinton was of investigative interest to the FBI well before this point." Rpt. at Ch. Two, p. 45, n. 280.

The Commission's procedures concerning requests from law enforcement authorities are based on Privacy Act requirements. The head of the agency (or a delegee) should make a written request to the Commission specifying the material desired and the law enforcement activity for which the records are sought. The requester should be specific about the type of information sought and the purpose of the request. Any disclosure to a law enforcement authority must be documented for the file to comply with the accountability requirements of the Privacy Act.

The Report apparently does not include the documentation required by the Privacy Act. It is not clear that the FBI made a written request to the Commission and described the law enforcement activity for which the records were sought. The confusion by the Commission employees as to the purpose of the FBI investigation would seem to indicate that the FBI had not explained the investigation to the Commission.

The Commissioners and staff members presumably should have been advised by the FBI as to whether the investigation was about Gambino or about Clinton. The meeting notes of January 26, 1999 (attached hereto as Exhibit 4), indicate that Commissioner John Simpson asked what was being investigated and for whom. The lack of information is illustrated by the uncertainty as to whether the FBI investigation was being conducted for Ken Starr or for another U.S. Attorney's Office. Rpt. at Ch. Two, p. 52.

In light of the Commission's lack of information about the purpose and origin of the FBI's investigation and the lack of documentation about the subject of the investigation in this Committee's Report, it may be that the Privacy Act requirements have not been met. Specifically, before Stover gave the FBI access to the Parole Commission files, the FBI should have made a written request to the Commission, specifying the material desired and the law enforcement activity for which the records were sought. If this information had been provided, there would not have been such uncertainty as to the scope and purpose of the FBI's investigation.

IV. The Report assumes that an open-ended FBI Investigation of Clinton had been approved by the Parole Commission or that no approval was necessary.

The Report provides no clear documentation about the FBI's advising the Parole Commission as to the scope and purpose of the FBI investigation. Rather, the Report apparently assumes that the FBI could freely use the offices and files of the Commission without any formal approval or oversight by the Commission.

The notes of the meeting with the Commissioners on January 26, 1999, reflect the position of the Commissioners. It is clear that they did not have substantial information about the FBI investigation and, indeed, Commissioner Simpson was pressing to learn what was the FBI investigating and for whom.

Stover advised the Commission (through Sharon Gervasoni, the Deputy Designated Agency Ethics Officer, who attended the meeting) that the decision of Kowalski to participate in an undercover or sting operation run by the FBI was a personal decision for Kowalski to make and was not a Commission decision. FBI Agent Jackie Dalrymple had contacted Kowalski on January 26, 1999 (the day of the meeting), asking whether he would contact Clinton by pager and allow a return call to be taped. Rpt. at Ch. Two, p. 49, 51-52. It is important to appreciate that the FBI proposal discussed at this meeting did not involve Kowalski meeting Clinton in a restaurant. It merely involved taping a call between Clinton and Kowalski.

The Commissioners apparently determined that it was best for Kowalski to make his own decision about cooperating with the FBI. Rpt. at Ch. Two, p. 51-52. This determination was based on the legal advice given by Stover that this decision was a personal one for Kowalski and not a Commission decision. The Commissioners agreed that for the time-being, at least, Commission business was not being interfered with, but left open the possibility of contacting the Deputy Attorney General's Office should that change. Moreover, the Commissioners seemed to lack any substantive information about the investigation, as evidenced by Commissioner Simpson's basic inquiries.

An unsigned note to Ragghianti (attached hereto as Exhibit 5)(from Sharon Gervasoni, the Deputy Designated Agency Ethics Officer) following the January 26, 1999, meeting, described the position of the Commissioners, as follows:

> The Commissioners agreed that, at this point, the FBI's investigation is not interfering with the Commission's ability to conduct its business and left open the possibility of a grievance to the Deputy Attorney General if that were to change.

This note from Gervasoni, which was stapled to the final version of the meeting notes, was written after Ragghianti asked Gervasoni to review notes taken at the meeting with the Commissioners. After reviewing the notes, Gervasoni wrote her note to remind Ragghianti of the Commissioners' wishes that the investigation not interfere with the Commission's normal course of business. The note supports Ragghianti's understanding that the consensus of the Commissioners was to ensure that the Commission could conduct its business without undue or inappropriate interference from the FBI investigation.

V. The Report implies that Ragghianti's actions changed after she became aware of the FBI investigation.

The Report is particularly troubling and misleading in its implication that Ragghianti changed her actions after she became aware of the FBI investigation. The Report discusses the October 26, 1998, letter sent to Clinton by Ragghianti, in which she instructed him to make further contacts in writing. The letter was prepared by Stover and Ragghianti, and signed by Ragghianti. However, the Report credits Stover's comment in

his Committee interview that he considered the letter's language about staff conacts as a victory on that issue. Rpt. at Ch. Two, p. 47. Ragghianti reiterates that it was she who signed the letter, after concurring with Stover on its advice.

The Report then makes the following comment:

> It is curious that before the FBI began its investigation of Clinton and Gambino in September 1998, Ragghianti was strongly in favor of meeting with Clinton, and then, once the FBI began its investigation, she suddenly agreed with Michael Stover's long-standing advice to stop meeting with Clinton.

This narrative is outrageous and clearly subjective and filled with innuendo. Ragghianti had previously met with Clinton at the instruction of Chairman Gaines. In meeting with Clinton, she was carrying out her job responsibilities. Moreover, the Report refers to Stover's "long-standing advice to stop meeting with Clinton," without citing to any documentation supporting the existence of that "advice." The Report implies that Ragghianti had met with Clinton in violation of Stover's advice (once again, making it appear that the meetings were frequent and routine) and does not emphasize that Ragghianti met with Clinton on the instruction of Chairman Gaines. Accordingly, the Report assumes that Stover's advice (which is not memorialized in any legal memorandum or letter) took precedence over the explicit orders of Chairman Gaines.

The statement that Ragghianti "suddenly" agreed with Stover's long-standing advice - after she learned of the FBI investigation of Clinton and Gambino - implies that Ragghianti was trying to hide something or was concerned about appearing suspicious during the investigation. The description of her actions as occurring "suddenly" is filled with innuendo and cites to nothing in the record.

VI. The Report implies that Ragghianti resisted any policy restricting contacts with Clinton.

The Report gives the impression that Stover had fought a diligent battle to restrict agency contacts with Clinton and to establish a policy restricting those contacts. Indeed, the Report describes Stover's comment that the October 26, 1998, letter to Clinton essentially established a policy and that Stover considered that policy a "victory." However, the Report contains no memoranda or documentation supporting Stover's alleged long-standing advice to stop meeting with Clinton. Rpt. at Ch. Two, p. 47. To the extent that the Commission policy had been uncertain or poorly-defined, it would appear that General Counsel Stover should have been advising staff in writing about the need to set such a policy.

The Report minimizes Stover's response to a question as to whether a policy against third party meetings was in fact the practice of the Commission. Stover stated, "Sometimes you state a policy at the moment of its creation." This clarifies that there was a need to establish a more definitive policy than the ones in place at the time (as Stover

admitted), which allowed meetings with the public by Parole Commission staff. However, because there was no adequate published policy, Ragghianti followed the policies that were in place at the time.

The Report omits efforts by Ragghianti to determine or establish Commission policy on contacts with persons such as Clinton. In a memorandum dated September 16, 1998 (attached hereto as Exhibit 6), to Sharon Gervasoni, the Deputy Designated Agency Ethics Officer ("DDAEO"), Ragghianti stated:

> Also, I think this situation makes clear the need for development of some kind of interim protocol for handling sensitive cases or situations which may require weighing the need or rationale for informing (or not informing) the Chairman and/or Commissioners. ...
>
> Additionally, Michael and I have discussed the need for a procedure to identify what kinds of information to include (or exclude) from decision-making files in the future, again in situations similar to this one.

In a 1998 memorandum titled "Running Commentary on Gambino situation" (attached hereto as Exhibit 7), Ragghianti described her contacts with other Commission staffers in an effort to determine the proper handling of the Clinton matter. Ragghianti made the following entry in this memorandum:

> September 17th: Spoke to Michael [Stover] yesterday afternoon (after yesterday's above entry). We agreed that a protocol should be established; also, that he & Sharon [Gervasoni] should issue some kind of memorandum regarding when memoranda should be included in the decisionmaking file of a case, and when they should be placed with the DAEO. We agreed that I should give Sharon copies of Tom's & my memoranda in the Gambino matter.

In a memorandum dated September 23, 1998 (attached hereto as Exhibit 8), Deputy DAEO Gervasoni replied to Ragghianti's request for advice dated September 16, 1998. Gervasoni noted that there was an apparent contradiction between the advice to keep information about Clinton contacts out of the Gambino decisionmaking file and the Commission's Procedures Manual, which states that "visits to the Commission's Office are summarized for the file in all cases." Procedures Manual § 2.22-05. Gervasoni also noted that "Stover is currently working on the advice memorandum you reference."

These memos clearly indicate that Ragghianti was working with other staffers (besides Kowalski and the Chairman), including Stover, to handle a sensitive matter. Further, the memos reflect the uncertainty and shortcomings of the Commission's policies and procedures in determining what should be included in the decisionmaking file about third-party contacts and to what extent the Commissioners or decisionmakers themselves should be made aware of these third-party contacts. As described above, Ragghianti was

instructed by Chairman Gaines to respond to Clinton's inquiries, in part to assure that the Commissioner himself would not be involved. The recurring concern was that the Chairman (and possibly other Commissioners) would have to recuse if they received too much information about the Clinton contacts. The concern was that the Chairman or another Commissioner might lose the ability to vote objectively in the matter.

The Parole Commission denied Gambino's final appeal in April 1999, which meant that Gambino's parole date remained at March 2007. Chairman Gaines did recuse himself from the decision, in light of his involvement in discussions about Clinton's contacts and the FBI investigation. Rpt. at Ch. Two, p. 48-49.

These uncertainties in Commission policy and procedures were certainly not the fault of Ragghianti. In fact, she worked diligently and sought guidance in trying to resolve the conflicts and establish clearer policies and procedures.

VII. The Report assumes that the Parole Commission has a duty to permit the FBI to use Parole Commission resources and employees to conduct undercover or sting operations.

The Report assumes that the FBI investigation should be permitted to take any direction that the FBI chooses. In focusing on the FBI, the Report overlooks that the Parole Commission is a distinct governmental entity, with its own mandate and policies. The Commission must be informed about and consent to any investigation conducted by the FBI that uses Commission resources and employees.

Moreover, it would appear that Stover's advice to the Commissioners - that the decision whether Kowalski should participate in an undercover or sting operation is a personal, rather than a Commission, decision - was incorrect. Kowalski was operating as a Commission employee when he participated in the meeting with Clinton in his office at the FBI's direction.

The Report describes Ragghianti's comment (which was a joke) to Kowalski about a comment made by Clinton on a taped message to Kowalski. The Report surmises that "it is telling that Ragghianti thought Kowalski would need some sort of secret motivation to work with the FBI." Rpt. at Ch. Two, p. 49. This is yet another absurd conclusion by the authors of the Report based on conjecture and misinterpreting a friendly jest between co-workers. Ragghianti herself (as Chairwoman of the Tennessee Board of Pardons and Paroles) had once initiated a federal investigation of pardons and paroles practices in Tennessee in the mid-Seventies. This fact demonstrates that it was unlikely that Ragghianti would object to an employee cooperating with a federal investigation. Although she was not convinced that Clinton had done anything illegal, she respected Kowalski's right to have his own opinion, and at no time did she ever attempt to dissuade him from cooperating with the FBI's investigation.

The Report explains that the FBI (after listening to Clinton's telephone messages to Ragghianti and Kowalski) suggested to Ragghianti that Kowalski could meet with Clinton at a local restaurant. Another person at this meeting would in fact be an undercover FBI agent. Rpt. at Ch. Two, p. 49-50. However, the above-mentioned messages were left in January 1999, following the FBI's initial visits to the Commission - while the FBI's restaurant proposal was made weeks later. Recall that on January 26, 1999, Ragghianti and Deputy DAEO Gervasoni (as already recounted) met with the Chairman and Commissioners to advise them of the investigation and the FBI's request for the Commission to cooperate with them. It was at this meeting that the Commissioners agreed that they would not tell Kowalski what to do (re: the investigation). Recall, too, that as of January 26, the FBI's request of Kowalski was that he contact Clinton by pager and allow a returned call to be taped (no mention of a restaurant sting). This was the meeting (as Gervasoni subsequently reminded Ragghianti) where "(t)he Commissioners also agreed that, at this point, the FBI's investigation is not interfering with the Commission's ability to conduct its business, and left open the possibility of a grievance to the Deputy Attorney General if that were to change."

The Report emphasizes that Ragghianti rejected the proposal to meet at a local restaurant "out of hand" without consulting Chairman Gaines or the rest of the Commission. The Report does not make clear that this proposal was not presented until March 1999. Also, the Report does not make clear that this proposal was the third or fourth revision of a plan to tape record Clinton - and that the new plan was inconsistent with the Commissioners' understanding of what was to take place. Nor does the Report make clear that at the time of the again-newly-revised plan (for Kowalski, wearing a "body bug," to meet Clinton at a Holiday Inn restaurant), Ragghianti had *already* met with the Chairman and Commissioners *twice*, and that she was concerned that the Commissioners' understanding of what was to occur was no longer the plan.

The Report states that "Ragghianti's basis for rejecting the FBI proposal was highly suspect." It further concludes that "Ragghianti's reason for opposing the request, therefore, was essentially that it was likely to be successful." Rpt. at Ch. Two, p. 50. These astounding suppositions are premised on the speculation that the meeting in the restaurant would have provided the relaxed environment in which Clinton could commit illegal acts (apparently, by offering a bribe to Kowalski). In other words, the Parole Commission employee (Kowalski) was to participate in actively encouraging Clinton to commit an illegal act.

The Report ignores entirely that the anticipated illegal act by Clinton could be easily prevented by the mere refusal of Commission employees (such as Kowalski) to meet with Clinton in a restaurant. If the Commission were to place top priority on its doing its own business (as it should), then the Commission should not approve facilitating the illegal acts of a private citizen. Ragghianti had other concerns about entrapment and the appearances of entrapment, which were very well founded. She had been advised that it was not her duty to make the legal determination as to what constituted entrapment. However, it was her threefold duty (delegated by Chairman Gaines) as Chief of Staff to

carry out the wishes of the Commissioners, to see to it that Commission business was properly conducted, and to protect the public image of the Commission. Ragghianti believed that the newly-revised plan proposed by the FBI jeopardized all three.

The Report assumes that any hesitation or refusal by a government agency to participate actively in an FBI undercover or sting operation can be considered impeding the investigation (or even obstruction of justice). The Report cites no authority whatever to establish that any agency or agency employee is required or expected to consent to any and all requests for active participation in an FBI sting operation.

The Report fails to appreciate that an agency, such as the Parole Commission, has its own policies and objectives. The goals, procedures and tactics of the FBI may be in direct conflict with those of the agency. The agency must make its own determination as to the scope of its willingness and ability to participate in FBI undercover operations.

In this case, the FBI was asking Commission staffers to violate the instructions given to Clinton in the October 26, 1998, letter signed by Ragghianti. The FBI wanted Kowalski to meet personally with Clinton (to serve the goals of the FBI, not the Commission) after Clinton had been advised that future contacts should be in writing. The Commission was not required to go along with the FBI sting. Ragghianti's refusal to do so was based on her principled understanding of the Parole Commission's policies and mandate.

VIII. The Report confuses the chronology of the FBI proposed operations.

The Report describes several proposed operations by the FBI, including the taping of a return telephone call from Clinton in Kowalski's office and the undercover operation in a local restaurant. The proposed meeting at the restaurant would include an FBI agent posing as a Parole Commission staffer who could help Clinton with the Gambino case.

However, the Report confuses the chronology. The Report states that the FBI proposed the meeting at a local restaurant after Agent Dalrymple had listened to the voice mail recordings from Clinton's calls on January 22, 1999. Rpt. at Ch. Two, p. 49. The Report then states:

> After Ragghianti rejected the initial FBI proposal, Agent Dalrymple proposed another possible approach to Roger Clinton. In late January 1999, she suggested that Tom Kowalski page Roger Clinton, and then when Clinton called back, the FBI would tape their conversation.

Rpt. at Ch. Two, p. 51, citing n. 328 (the meeting notes of the January 26, 1999, meeting with the Commissioners).

In fact, the first proposal by Agent Dalrymple was the taping of Clinton's return telephone call. This proposal preceded the restaurant plan. This is the proposal discussed by the Commissioners at the January 26, 1999, meeting.

The undercover restaurant operation was proposed several weeks later, after Agent Dalrymple had suggested taping Clinton's return call to Kowalski. As discussed above, the Holiday Inn restaurant plan included an FBI undercover agent, who would accompany Kowalski to a meeting with Clinton at the motel's restaurant, posing as a Parole Commission staffer. However, on March 19, 1999, Kowalski received another telephone call from Clinton. Kowalski contacted Agent Dalrymple and a new plan was devised in which Kowalski would meet Clinton the next Tuesday at a restaurant. Kowalski would be wearing a recording device. Ragghianti Memorandum [Confidential Think Piece], dated March 19, 1999 (attached hereto as Exhibit 9).

The Report does not clarify that the Commissioners had made it clear to Ragghianti that they did not want the Commission to be *actively* involved in a sting. Nor does the Report make clear that the Commissioners had expressly ordered that they not be further informed about the details of the investigation (because of their ongoing concerns that they might be forced to recuse themselves from voting on the case).

The Commissioners by this time had voted that they would not forbid Kowalski's involvement, since Stover had advised them that to do so could be tantamount to obstructing justice. Ragghianti went to Stover at this point, and expressed her concern that the newly-revised restaurant sting proposal was not the scenario which had been presented to the Commissioners. She also expressed her concerns that she could not consult the Commissioners for a third time because she had been expressly told (by the Commissioners) that she should not do so, as the concern was rapidly growing that the Commissioners' ability to be objective decision-makers in the Gambino case would be compromised. (In fact, the Chairman eventually felt forced to recuse himself from the case.)

As the Commission's Chief of Staff, it was Ragghianti's responsibility to carry out the wishes of the Commissioners, and to ensure that Commission business was conducted as normally as possible, and without undue interference by the investigation. Ragghianti objected to the newly-proposed motel restaurant sting because it was not consistent with the plan presented to the Commissioners in her most recent meeting with them. In other words, the plan proposed by the FBI was in violation of the Commissioners' wishes, as well as the policies and procedures of the Commission, which did not normally conduct its business in motel restaurants.

When Ragghianti went to Stover's office, she stated that she wanted to call the office of the Deputy Attorney General to speak with Kevin Ohlsen (whom they had previously consulted on the Clinton matter). In the resulting telephone call on March 19, 1999, Ragghianti and Stover spoke with David Margolis, an Associate Deputy Attorney General, and Kevin Ohlsen, the Chief of Staff to the Deputy Attorney General.

The topics discussed in this telephone call are described in the Confidential Think Piece, dated March 19, 1999, as well as in Ragghianti's handwritten notes, dated March 19, 1999 (attached hereto as Exhibit 10), and Stover's handwritten notes, dated March 19, 1999 (attached hereto as Exhibit 11). These documents indicate that Justice Department attorneys Margolis and Ohlsen supported Ragghianti's view that the decision by Kowalski about participating in the FBI investigation was not a personal decision. Margolis stated that, obviously, Kowalski had been contacted in his role as a representative of the Commission. Moreover, the Commission had every right to instruct Kowalski what to do about the FBI investigation.

In addition, Margolis assured Ragghianti that the Commission could make a judgment call as to the extent of its participation in any FBI investigation. Margolis explained that the Commission would not be accused of "obstruction of justice" if it did not participate in any FBI investigation. In other words, the Commission was not obligated to approve participation by its employees in any FBI sting or undercover operation. The determination as to the extent of participation of Commission employees was solely at the discretion of the Commission. At hearing this, Ragghianti was even more concerned that the Commissioners had received poor legal advice from General Counsel Stover, who had advised them that failure to cooperate in the investigation might be considered obstruction of justice. In addition, Ragghianti noted in the telephone conversation with Margolis and Ohlsen that there was acknowledgment that the Commission might be subjected to criticism (if it allowed participation in the proposed sting), a concern of hers as well.

The Report indicates correctly that Kowalski agreed to cooperate with the FBI investigation. Kowalski left a voice mail for Clinton, but Clinton did not call back. Rpt. at Ch. Two, p. 53. The proposed restaurant operation was not conducted. However, the FBI did wire Kowalski's office and obtain a tape of a conversation with Clinton on March 23, 1999. The Report does not clarify that Ragghianti allowed the taping because it was consistent with her understanding of the directives of the Commissioners - that as long as the normal conduct of Commission business was not impeded, Kowalski could cooperate with the investigation.

Clinton had told Kowalski he would come by the Parole Commission offices and meet with him. Kowalski advised the Committee that the FBI had suggested questions to ask Clinton, such as, "Is there anything you want me to do?" Rpt. at Ch. Two, p. 53-54. Clinton did not provide any incriminating responses. After the meeting, FBI agents came to Kowalski's office and told him that they would have to close the investigation. It appears that the FBI ceased its investigation of Clinton's contacts with the Parole Commission after this taped conversation. A transcript of this conversation exists, but the Justice Department refused to produce it to the Committee. Rpt. at Ch. Two, p. 54, n. 360.

IX. The Report unfairly speculates about Ragghianti's "motive" in refusing to permit the FBI to conduct a sting using a Commission employee in a restaurant.

The Report speculates about Ragghianti's "motive" in rejecting the FBI's request to have a sting in a local restaurant using Kowalski. The Report states:

> The real question is what was Marie Ragghianti's actual motive for rejecting the FBI request. Ragghianti had a reputation for ethical conduct prior to coming to the Commission. That she would make such a decision is, therefore, surprising. However, she clearly went out of her way to be accommodating to Roger Clinton. Whether Ragghianti was trying to curry favor with the Clinton Administration or whether she just genuinely liked Roger Clinton is unclear. But, for Ragghianti to ignore the advice of the Parole Commission General Counsel regarding such a sensitive legal matter suggests, at best, that she was not objective in her handling of the Clinton-Gambino matter. At worst, Ragghianti may have been trying to protect Roger Clinton.

Rpt. at Ch. Two, p. 50.

The language in this paragraph is profoundly offensive and based on the series of false and unsubstantiated assumptions described above. It assumes that Ragghianti ignored the advice of the Parole Commission General Counsel (Stover) about "such a sensitive legal matter." However, the paragraph does not identify the legal advice from Stover and does not explain how Ragghianti ignored it (nor does it cite any authority requiring Ragghianti to follow the unspecified advice from Stover). As Chief of Staff, Ragghianti reported to Chairman Gaines, not to Stover. Furthermore, she had sought legal advice from others (e.g., Margolis and Ohlsen). Additionally, Ragghianti knew that the Chairman was himself an attorney with years of experience in State and Federal parole law.

The Report further speculates that Kowalski's lack of comfort in participating in the taped conversation with Clinton may have had an impact on Clinton. The speculation continues in contemplating that the undercover operation might have been more successful. (Ironically, among Ragghianti's many concerns was the possibility that the motel restaurant sting operation could be bungled, and thus subject the Commission to public derision and humiliation.) The conclusion is stated as follows:

> The failure of the taped conversation with Kowalski makes Ragghianti's decision to reject the FBI undercover proposal even more significant. If the FBI was able to have a trained, professional undercover agent discussing Gambino's parole with Clinton, it might have made a significant difference in the FBI's case. However, due to Ragghianti's refusal to cooperate with the FBI, it is impossible to know what would have happened.

Rpt. at Ch. Two, p. 54.

The Report blames Ragghianti for the fact that the FBI did not trap Roger Clinton attempting or committing an illegal act. The Report does not acknowledge the possibility that the FBI did not trap Clinton attempting an illegal act because Clinton was not attempting an illegal act. The Report appears to be disappointed in the lack of evidence collected to prove that Clinton had committed a crime. It therefore blames this lack of evidence on Ragghianti. The Report does not credit Ragghianti for carrying out her duties as Chief of Staff conscientiously and as directed by the Parole Commissioners, including Chairman Gaines.

The finding in the Report that Ragghianti hindered the FBI's investigation is wrong. Ragghianti worked diligently with other Commission staffers and Justice Department lawyers to determine the Commission's legally appropriate response. The FBI's investigation presented an awkward situation, because the Commissioners themselves did not want to be involved or even informed based on concerns about recusal and interference with Parole Commission business. Ragghianti was placed in the middle of a complex situation and she worked diligently to facilitate the FBI investigation to the extent it did not interfere with or violate the Commission's normal conduct of business.

The Report noted that Ragghianti "had a reputation for ethical conduct prior to coming to the Commission." Rpt. at Ch. Two, p. 50. A careful examination of Ragghianti's handling of this delicate and complex situation at the Parole Commission reinforces - and enhances - her national reputation for integrity and ethical conduct. Consequently, it is particularly outrageous that the Report appears to draw the opposite conclusion about her. The power and resources of this Committee should not be used to blemish unfairly and incorrectly the reputation of Ragghianti, or any other government employee who strives to be responsive to her duties and professional responsibilities.

Representative Burton, I am asking that you amend the Report and delete the statements that indicate or imply that Marie Ragghianti hindered the FBI's investigation or gave special favors to Roger Clinton. I would be pleased to provide additional information.

Thank you for your attention to this important matter.

Sincerely,

Elaine Mittleman

Enclosures

cc: Representative Henry Waxman

Exhibit 5 MR #2

U.S. DEPARTMENT OF JUSTICE
United States Parole Commission

Office of the Chairman

5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201

Telephone: (301) 492-5990
Facsimile: (301) 492-6694

October 26, 1998

Mr. Roger Clinton
1015 Gayley Avenue
Los Angeles, CA 90024

Re: Your invitation of October 26, 1998

Dear Mr. Clinton:

The Chairman has asked me to express his sincere regrets that he cannot accept your kind invitation to meet during your trip to Washington this week. As I have mentioned before, it is agency policy that members of the Commission cannot engage in private meetings of any kind with parties having an interest in parole proceedings. This is true even if the meeting is sought for purely social reasons.

Similarly, our policy also restricts the ability of Commission staff from engaging in any continued series of calls or discussions on official matters that are not in the context of an agency proceeding. Should you have any further request, I encourage you to write us. I hope that this will not be inconvenient, and I hope that both you and your family are well.

Sincerely,

Marie F. Ragghianti by ALV

Marie F. Ragghianti
Chief of Staff
U.S. Parole Commission

MFR/alv
By Facsimile and Mail

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March 14, 2002

VIA FACSIMILE

Dan Burton, Chairman
Committee on Government Reform
House of Representatives
Congress of the United States
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Mr. Chairman:

There are a number of demonstrably false and misleading statements in the referenced report, authored by Government Reform Committee majority staff, regarding my client, Hugh Rodham time does not permit the compilation of an exhaustive list but, as it would appear that 18 U.S.C. § 1001 (c)(2) applies to staff members who communicate false information to Congress, it is in everyone's interest that the following material false statements concerning Mr. Rodham's cooperation with the Committee be corrected:

- **Under the heading "Failure of Key Parties to Cooperate in the Hugh Rodham Investigation," the report falsely indicates that Mr. Rodham "extended only partial cooperation to the Committee" (page 77).**

  Please review the correspondence between the staff and counsel for Mr. Rodham; with the exception of matters related to Mr. Vignali, Mr. Rodham, through counsel, answered each and every question posed to him.

- **Mr. Rodham "made a blanket invocation of the [attorney-client] privilege" to "refuse[ ] to produce Carlos Vignali's records and to discuss his case "even though the privilege does not apply to the vast majority of Rodham's activities. For example, Rodham's contacts with third parties, like White House staff, are not covered by the attorney-client privilege...by using the attorney-client privilege..." Mr. Rodham "[sought] to avoid questions about his activities rather than to protect any legitimately privileged information" (at pages 46 and 77).**

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Please review the attached letter which indicates that Mr. Rodham declined to discuss Mr. Vignali *pursuant to Mr. Vignali's request*, and its accompanying citation to the District of Columbia Rule of Professional Responsibility 1.6, also attached. Further, Mr. Rodham *did* respond to questions that did not implicate the privilege, where it was ethical for him to have done so. *For Example*, in my letter to the committee dated February 28, 2001, I *specifically* answered questions about Mr. Rodham's 'contacts with third parties' at his direction.

Further, the following unsupported and unsupportable false assertions and implications should be deleted from the Committee report:

- **"Rodham repeatedly provided false information during his communications with the White House" regarding Mr. Vignali (page 3); and "[d]espite Hugh Rodham's efforts to mislead..." (page 49).**

  To the extent the report implies that Mr. Rodham *knowingly* provided false information to anyone, it is absolutely false. Mr. Rodham was entitled to rely on Mr. Vignali's pardon application which indicated no prior record, particularly in light of the fact that he did not have the means (e.g. access to NCIC) to investigate Mr. Vignali's criminal history. Further, Mr. Vignali did *not* play a "major role in the offense" according to the judge who sentenced him (see U.S. Sentencing Guidelines).

- **Under the heading "Hugh Rodham's Invocation of First Lady Hillary Clinton," the Report cites a "note" indicating that "*this* is very important to [Mr.Rodham] and the First Lady," with no indication of what "this" is, and further the report claims that the "note leaves (sic) only two possibilities: (1) that Hugh Rodham indeed told Hillary Clinton about his efforts on behalf of Carlos Vignali and that Hillary Clinton was not being candid when she stated [otherwise]; or (2) Hugh Rodham was lying when he [said] that the Vignali case was "very important" to the First Lady" (page 57).**

  Both Mr. Rodham and Senator Clinton have stated repeatedly and truthfully that they did not discuss Mr. Vignali (or Mr. Braswell), or the fact that Mr. Rodham was representing individuals seeking clemency. Nor did Mr. Rodham tell anyone that *Mr. Vignali* was important to Sen. Clinton. The report writer jumps to erroneous conclusions in order to falsely accuse Mr. Rodham (or Senator Clinton) of lying.

- **Citing to *press reports*, the Committee report speculates that Mr. Rodham discussed the pardons with President Clinton (page 72), and that the President was aware Mr. Rodham was representing Mr. Braswell.**

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Such speculation is not only pure fiction, it is irresponsible to insinuate, without a shred of proof, that President Clinton *and* Mr. Rodham have lied about the matter. *They did not discuss the matter, period.*

- **In addition, the section of the report entitled "Hugh Rodham's Efforts to Obtain Clemency for the Lums" at pages 74-77 is wholly inaccurate, and falsely implies that Mr. Rodham has "refused" to answer questions about his "representation" of the Lums.**

  To the contrary, Mr. Rodham informed the Committee staff of the names of those individuals he represented and, by implication, those who he did not represent: Mr. Rodham did not represent the Lums nor did he "lobby" on their behalf. Moreover, the report's fleeting references to monies paid "by Rodham to the Lums" is not only incomprehensible, but clearly irrelevant to any claim that *he represented them*.

Finally, I never told *anyone* that Mr. Rodham had "no plans to return the remaining $154,000 to Vignali," (page 63) and that quote is patently false.

As noted above, because I had only twenty-four hours to review the report, the above is not an exhaustive list of inaccuracies. I would be pleased to discuss the additional errors, including those that relate to the merits of Messr.'s Braswell and Vignali's pardons, with committee staff.

I look forward to a reply and/or to receiving a corrected Committee report.

Sincerely,

Nancy Luque

cc: Hugh Rodham
The Honorable Henry A. Waxman, Ranking Minority Member

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February 28, 2001

Via Facsimile 202-225-3974
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Pardon Investigation

Dear Mr. Chairman:

This will respond to your February 21, 2001 letter inquiry to my client, Hugh Rodham. He appreciates the opportunity to respond in this manner. You have asked the following questions:

1. From 1992 to present, have you or your firm represented any individual seeking any grant of federal Executive Clemency? If so, list all such individuals.

Mr. Rodham's firm represented Mr. Carlos Vignali and Mr. A. Glenn Braswell in connection with their petitions for executive clemency.

2. Have you or your firm received any payment for representing any individual seeking a grant of federal Executive Clemency or for advocating a grant of federal Executive Clemency? If so, please list all such payments and the individual making such payment.

Mr. Vignali's father made one payment for $4,280 and a second payment for $200,000, on his son's behalf.

Mr. Braswell made one payment for $30,000 and wire transferred $200,000, minus wire fees, to Mr. Rodham's law firm.

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DC08-0245549-01-NALUQUE
February 28, 2001 2:58 PM

3. Have you or any individual in your firm had contact with President Clinton, First Lady Hillary Clinton or any individual in the White House, the purpose of which was to advocate a pardon or commutation? If so, please list all such contacts, naming the individuals with whom you spoke and describe the substance of such communication.

See response to question 4 below.

4. Please describe your role in the pardon or commutation requests of Carlos Vignali or Almon Glenn Braswell.

Mr. Rodham had no contact with either President Clinton or Senator Clinton regarding either of these matters.

With respect to Mr. Vignali, Mr. Rodham recalls three contacts with Bruce Lindsay of the White House Counsel's office. He submitted and discussed the merits of Mr. Vignali's petition, he subsequently submitted and discussed letters of recommendation, and he made a final follow-up inquiry.

With respect to Mr. Braswell, Mr. Rodham recalls at least two contacts with Meredith Cabe of the White House Counsel's office. He forwarded a letter to her written to President Clinton by Kendall Coffee on Mr. Braswell's behalf, and he made a follow-up inquiry.

Finally, with respect to the Committee's request for records, I called the Committee's Chief Counsel, as is suggested in the letter request, to seek additional time to comply. Because these records may be subject to attorney-client privilege, the additional time will assure a more careful review.

Sincerely,

Nancy Luque

cc: Honorable Henry Waxman (via fax)
Ranking Minority Member

ReedSmith LLP

Nancy Luque • 202.414.9408 • nluque@reedsmith.com

March 7, 2001

Via First Class Mail
Dan Burton, Chairman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Pardon Investigation

Dear Mr. Chairman:

Provided herewith are certain records responsive to the Committee's request related to Mr. Rodham's request for Executive Clemency for A. Glenn Braswell.

Counsel for Mr. Vignali has asked that I not provide records related to Mr. Rodham's request concerning Mr. Vignali because they are protected by the attorney-client privilege and his client has asked that I keep them confidential pursuant to the District of Columbia Rule of Professional Responsibility 1.6.

If I can be of further assistance, please do not hesitate to call me.

Sincerely,

Nancy Luque

cc: Honorable Henry Waxman (via facsimile)
Ranking Minority Member

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"Reed Smith" refers to Reed Smith LLP and related entities.

[12] The concept of joint responsibility does not require the referring lawyer to perform any minimum portion of the total legal services rendered. The referring lawyer may agree that the lawyer to whom the referral is made will perform substantially all of the services to be rendered in connection with the representation, without review by the referring lawyer. Thus, the referring lawyer is not required to review pleadings or other documents, attend hearings or depositions, or otherwise participate in a significant and continuing manner. The referring lawyer does not, however, escape the implications of joint responsibility, *see* Comment [11], by avoiding direct participation.

[13] When fee divisions are based on assumed joint responsibility, the requirement of paragraph (a) that the fee be reasonable applies to the total fee charged for the representation by all participating lawyers.

[14] Paragraph (e) requires that the client be advised, in writing, of the fee division and states that the client must affirmatively consent to the proposed fee arrangement. The Rule does not require disclosure to the client of the share that each lawyer is to receive but does require that the client be informed of the identity of the lawyers sharing the fee, their respective responsibilities in the representation, and the effect of the association of lawyers outside the firm on the fee charged.

Disputes Over Fees

[15] If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the Bar, the lawyer should conscientiously consider submitting to it. Law may prescribe a procedure for determining a lawyer's fee, for example, in representation of an executor or administrator, a class, or a person entitled to a reasonable fee as part of the measure of damages. The lawyer entitled to such a fee and a lawyer representing another party concerned with the fee should comply with the prescribed procedure.

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) EXCEPT WHEN PERMITTED UNDER PARAGRAPH (c) OR (d), A LAWYER SHALL NOT KNOWINGLY:

(1) REVEAL A CONFIDENCE OR SECRET OF THE LAWYER'S CLIENT;

(2) USE A CONFIDENCE OR SECRET OF THE LAWYER'S CLIENT TO THE DISADVANTAGE OF THE CLIENT;

(3) USE A CONFIDENCE OR SECRET OF THE LAWYER'S CLIENT FOR THE ADVANTAGE OF THE LAWYER OR OF A THIRD PERSON.

(b) "CONFIDENCE" REFERS TO INFORMATION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE UNDER APPLICABLE LAW, AND "SECRET" REFERS TO OTHER INFORMATION GAINED IN THE PROFESSIONAL RELATIONSHIP THAT THE CLIENT HAS REQUESTED BE HELD INVIOLATE, OR THE DISCLOSURE OF WHICH WOULD BE EMBARRASSING, OR WOULD BE LIKELY TO BE DETRIMENTAL, TO THE CLIENT.

(c) A LAWYER MAY REVEAL CLIENT CONFIDENCES AND SECRETS, TO THE EXTENT REASONABLY NECESSARY:

(1) TO PREVENT A CRIMINAL ACT THAT THE LAWYER REASONABLY BELIEVES IS LIKELY TO RESULT IN DEATH OR SUBSTANTIAL BODILY HARM ABSENT DISCLOSURE OF THE CLIENT'S SECRETS OR CONFIDENCES BY THE LAWYER; OR

(2) TO PREVENT THE BRIBERY OR INTIMIDATION OF WITNESSES, JURORS, COURT OFFICIALS, OR OTHER PERSONS WHO ARE INVOLVED IN PROCEEDINGS BEFORE A TRIBUNAL IF THE LAWYER REASONABLY BELIEVES THAT SUCH ACTS ARE LIKELY TO RESULT ABSENT DISCLOSURE OF THE CLIENT'S CONFIDENCES OR SECRETS BY THE LAWYER.

(d) A LAWYER MAY USE OR REVEAL CLIENT CONFIDENCES OR SECRETS:

(1) WITH THE CONSENT OF THE CLIENT AFFECTED, BUT ONLY AFTER FULL DISCLOSURE TO THE CLIENT;

(2) (A) WHEN PERMITTED BY THESE RULES OR REQUIRED BY LAW OR COURT ORDER; AND

(B) IF A GOVERNMENT LAWYER, WHEN PERMITTED OR AUTHORIZED BY LAW;

(3) TO THE EXTENT REASONABLY NECESSARY TO ESTABLISH A DEFENSE TO A CRIMINAL CHARGE, DISCIPLINARY CHARGE, OR CIVIL CLAIM, FORMALLY INSTITUTED AGAINST THE LAWYER, BASED UPON CONDUCT IN WHICH THE CLIENT WAS INVOLVED, OR TO THE EXTENT REASONABLY NECESSARY TO RESPOND TO SPECIFIC ALLEGATIONS BY THE CLIENT CONCERNING THE LAWYER'S REPRESENTATION OF THE CLIENT;

(4) WHEN THE LAWYER HAS REASONABLE GROUNDS FOR BELIEVING THAT A CLIENT HAS IMPLIEDLY AUTHORIZED DISCLOSURE OF A CONFIDENCE OR SECRET IN ORDER TO CARRY OUT THE REPRESENTATION; OR

(5) TO THE MINIMUM EXTENT NECESSARY IN AN ACTION INSTITUTED BY THE LAWYER TO ESTABLISH OR COLLECT THE LAWYER'S FEE.

(c) A LAWYER SHALL EXERCISE REASONABLE CARE TO PREVENT THE LAWYER'S EMPLOYEES, ASSOCIATES, AND OTHERS WHOSE SERVICES ARE UTILIZED BY THE LAWYER FROM DISCLOSING OR USING CONFIDENCES OR SECRETS OF A CLIENT, EXCEPT THAT SUCH PERSONS MAY REVEAL INFORMATION PERMITTED TO BE DISCLOSED BY PARAGRAPHS (c) or (d).

(f) THE LAWYER'S OBLIGATION TO PRESERVE THE CLIENT'S CONFIDENCES AND SECRETS CONTINUES AFTER TERMINATION OF THE LAWYER'S EMPLOYMENT.

(g) THE OBLIGATION OF A LAWYER UNDER PARAGRAPH (a) ALSO APPLIES TO CONFIDENCES AND SECRETS LEARNED PRIOR TO BECOMING A LAWYER IN THE COURSE OF PROVIDING ASSISTANCE TO ANOTHER LAWYER.

(h) FOR PURPOSES OF THIS RULE, A LAWYER WHO SERVES AS A MEMBER OF THE D.C. BAR LAWYER COUNSELING COMMITTEE, OR AS A TRAINED INTERVENOR FOR THAT COMMITTEE, SHALL BE DEEMED TO HAVE A LAWYER-CLIENT RELATIONSHIP WITH RESPECT TO ANY LAWYER-COUNSELEE BEING COUNSELED UNDER PROGRAMS CONDUCTED BY OR ON BEHALF OF THE COMMITTEE. INFORMATION OBTAINED FROM ANOTHER LAWYER BEING COUNSELED UNDER THE AUSPICES OF THE COMMITTEE, OR IN THE COURSE OF AND ASSOCIATED WITH SUCH COUNSELING, SHALL BE TREATED AS A CONFIDENCE OR SECRET WITHIN THE TERMS OF PARAGRAPH (b). SUCH INFORMATION MAY BE DISCLOSED ONLY TO THE EXTENT PERMITTED BY THIS RULE.

(i) FOR PURPOSES OF THIS RULE, A LAWYER WHO SERVES AS A MEMBER OF THE D.C. BAR LAWYER PRACTICE ASSISTANCE COMMITTEE, OR A STAFF ASSISTANT, MENTOR, MONITOR OR OTHER CONSULTANT FOR THAT COMMITTEE, SHALL BE DEEMED TO HAVE A LAWYER-CLIENT RELATIONSHIP WITH RESPECT TO ANY LAWYER-COUNSELEE BEING COUNSELED UNDER PROGRAMS CONDUCTED BY OR ON BEHALF OF THE COMMITTEE. COMMUNICATIONS BETWEEN THE COUNSELOR AND THE LAWYER BEING COUNSELED UNDER THE AUSPICES OF THE COMMITTEE, OR MADE IN THE COURSE OF AND ASSOCIATED WITH SUCH COUNSELING, SHALL BE TREATED AS A CONFIDENCE OR SECRET WITHIN THE TERMS OF PARAGRAPH (b). SUCH INFORMATION MAY BE DISCLOSED ONLY TO THE EXTENT PERMITTED BY THIS RULE. HOWEVER, DURING THE PERIOD IN WHICH THE LAWYER-COUNSELEE IS SUBJECT TO A PROBATIONARY OR MONITORING ORDER OF THE COURT OF APPEALS OR THE BOARD ON PROFESSIONAL RESPONSIBILITY IN A DISCIPLINARY CASE INSTITUTED PURSUANT TO RULE XI OF THE RULES OF THE COURT OF APPEALS GOVERNING THE BAR, SUCH INFORMATION SHALL BE SUBJECT TO DISCLOSURE IN ACCORDANCE WITH THE ORDER.

(j) THE CLIENT OF THE GOVERNMENT LAWYER IS THE AGENCY THAT EMPLOYS THE LAWYER UNLESS EXPRESSLY PROVIDED TO THE CONTRARY BY APPROPRIATE LAW, REGULATION, OR ORDER.

COMMENT:

[1] The lawyer is part of a judicial system charged with upholding the law. One of the lawyer's functions is to advise clients so that they avoid any violation of the law in the proper exercise of their rights.

[2] The observance of the ethical obligation of a lawyer to hold inviolate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance.

[3] Almost without exception, clients come to lawyers in order to determine what their rights are and what is, in the maze of laws and regulations, deemed to be legal and correct. The common law recognizes that the client's confidences must be protected from disclosure. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.

[4] A fundamental principle in the client-lawyer relationship is that the lawyer holds inviolate the client's secrets and confidences. The client is thereby encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter.

Relationship Between Rule 1.6 and Attorney-Client Evidentiary Privilege and Work Product Doctrine

[5] The principle of confidentiality is given effect in two related bodies of law: the attorney-client privilege and the work product doctrine in the law of evidence and the rule of confidentiality established in professional ethics. The attorney-client privilege and the work product doctrine apply in judicial

and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. This Rule is not intended to govern or affect judicial application of the attorney-client privilege or work product doctrine. The privilege and doctrine were developed to promote compliance with law and fairness in litigation. In reliance on the attorney-client privilege, clients are entitled to expect that communications within the scope of the privilege will be protected against compelled disclosure. The attorney-client privilege is that of the client and not of the lawyer. The fact that in exceptional situations the lawyer under this Rule has limited discretion to disclose a client confidence does not vitiate the proposition that, as a general matter, the client has a reasonable expectation that information relating to the client will not be voluntarily disclosed and that disclosure of such information may be judicially compelled only in accordance with recognized exceptions to the attorney-client privilege and work product doctrine.

[6] The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law; furthermore, it applies not merely to matters communicated in confidence by the client (i.e., confidences) but also to all information gained in the course of the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the client (i.e., secrets). This ethical precept, unlike the evidentiary privilege, exists without regard to the nature or source of the information or the fact that others share the knowledge. It reflects not only the principles underlying the attorney-client privilege, but the lawyer's duty of loyalty to the client.

The Commencement of the Client-Lawyer Relationship

[7] Principles of substantive law external to these Rules determine whether a client-lawyer relationship exists. Although most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so, the duty of confidentiality imposed by this Rule attaches when the lawyer agrees to consider whether a client-lawyer relationship shall be established. Thus, a lawyer may be subject to a duty of confidentiality with respect to information disclosed by a client to enable the lawyer to determine whether representation of the potential client would involve a prohibited conflict of interest under Rule 1.7, 1.8, or 1.9.

Exploitation of Confidences and Secrets

[8] In addition to prohibiting the disclosure of a client's confidences and secrets, subparagraph (a)(2) provides that a lawyer may not use the client's confidences and secrets to the disadvantage of the client. For example, a lawyer who has learned that the client is investing in specific real estate may not seek to acquire nearby property where doing so would adversely affect the client's plan for investment. Similarly, information acquired by the lawyer in the course of representing a client may not be used to the disadvantage of that client even after the termination of the lawyer's representation of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about the former client when later representing another client. Under subparagraphs (a)(3) and (d)(1) a lawyer may use a client's confidences and secrets for the lawyer's own benefit or that of a third party only after the lawyer has made full disclosure to the client regarding the proposed use of the information and obtained the client's affirmative consent to the use in question.

Authorized Disclosure

[9] A lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation, except to the extent that the client's instructions or special circumstances limit that authority. In litigation, for example, a lawyer may disclose information by admitting a fact that cannot properly be disputed, or in negotiation by making a disclosure that facilitates a satisfactory conclusion.

[10] The obligation to protect confidences and secrets obviously does not preclude a lawyer from revealing information when the client consents after full disclosure, when necessary to perform the professional employment, when permitted by these Rules, or when required by law. Unless the client otherwise directs, a lawyer may disclose the affairs of the client to partners or associates of the lawyer's firm. It is a matter of common knowledge that the normal operation of a law office exposes confidential professional information to nonlawyer employees of the office, particularly secretaries and those having access to the files; and this obligates a lawyer to exercise care in selecting and training employees so that the sanctity of all confidences and secrets of clients may be preserved. If the obligation extends to two or more clients as to the same information, a lawyer should obtain the permission of all before revealing the information. A lawyer must always be sensitive to the rights and wishes of the client and act scrupulously in the making of decisions that may involve the disclosure of information obtained in the course of the professional relationship. Thus, in the absence of consent of the client after full disclosure, a lawyer should not associate another lawyer in the handling of a matter; nor should the lawyer, in the absence of consent, seek counsel from another lawyer if there is a reasonable possibility that the identity of the client or the client's confidences or secrets would be revealed to such lawyer. Proper concern for professional duty should cause a lawyer to shun indiscreet conversations concerning clients.

[11] Unless the client otherwise directs, it is not improper for a lawyer to give limited information from client files to an outside agency necessary for statistical, bookkeeping, accounting, data processing, banking, printing, or other legitimate purposes, provided the lawyer exercises due care in the selection of the agency and warns the agency that the information must be kept confidential.

Disclosure Adverse to Client

[12] The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious harm to another person. However, to the extent a lawyer is required or permitted to disclose a client's purposes, the client will be inhibited from revealing facts that would enable the lawyer to counsel against a wrongful course of action. The public is better protected if full and open communication by the client is encouraged than if it is inhibited. Nevertheless, when the client's confidences or secrets are such that the lawyer knows or reasonably should know that the client or any other person is likely to kill or do substantial bodily injury to another unless the lawyer discloses client confidences or secrets, the lawyer may reveal the client's confidences and secrets if necessary to prevent harm to the third party.

[13] Several situations must be distinguished.

[14] First, the lawyer may not counsel or assist a client to engage in conduct that is criminal or fraudulent. *See* Rule 1.2(e). Similarly, a lawyer has a duty not to use false evidence of a nonclient and may permit introduction of the false evidence of a client only in extremely limited circumstances in criminal cases when the witness is the defendant client. *See* Rule 3.3(a)(4) and (b). This Rule is essentially a special instance of the duty prescribed in Rule 1.2(e) to avoid assisting a client in criminal or fraudulent conduct.

[15] Second, the lawyer may have been innocently involved in past conduct by the client that was criminal or fraudulent. In such a situation the lawyer has not violated Rule 1.2(e), because to "counsel or assist" criminal or fraudulent conduct requires knowing that the conduct is of that character.

[16] Third, the lawyer may learn that a client intends prospective conduct that is criminal and likely to result in death or substantial bodily harm unless disclosure of the client's intentions is made by the lawyer. As stated in paragraph (c), the lawyer has professional discretion to reveal information in order to prevent such consequences. The lawyer may make a disclosure in order to prevent homicide or serious bodily injury which the lawyer reasonably believes is intended by a client. The "reasonably believes" standard is applied because it is very difficult for a lawyer to "know" when such a heinous purpose will actually be carried out, for the client may have a change of mind.

[17] The lawyer's exercise of discretion in determining whether to make disclosures that are reasonably likely to prevent the death or substantial bodily injury of another requires consideration of such factors as the client's tendency to commit violent acts or, conversely, to make idle threats. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to the purpose. A lawyer's decision not to take preventive action permitted by subparagraph (c)(1) does not violate this Rule.

Withdrawal

[18] If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in Rule 1.16(a)(1). If the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent, or if the client has used the lawyer's services to perpetrate a crime or a fraud, the lawyer may (but is not required to) withdraw, as stated in Rule 1.16(b)(1) and (2).

[19] After withdrawal under either Rule 1.16(a)(1) or Rule 1.16(b)(1) or (2), the lawyer is required to refrain from making disclosure of the client's confidences, except as otherwise provided in Rule 1.6. Giving notice of withdrawal, without elaboration, is not a disclosure of a client's confidences and is not proscribed by this Rule or by Rule 1.16(d). Furthermore, a lawyer's statement to a court that withdrawal is based upon "irreconcilable differences between the lawyer and the client," as provided under paragraph [3] of the Comment to Rule 1.16, is not elaboration. Similarly, after withdrawal under either Rule 1.16(a)(1) or Rule 1.16(b)(1) or (2), the lawyer may retract or disaffirm any opinion, document, affirmation, or the like that contains a material misrepresentation by the lawyer that the lawyer reasonably believes will be relied upon by others to their detriment.

[20] Where the client is an organization, the lawyer may be in doubt whether contemplated conduct will actually be carried out by the organization. Where necessary to guide conduct in connection with this Rule, the lawyer may make inquiry within the organization. *See* Comment to Rule 1.13.

Dispute Concerning Lawyer's Conduct

[21] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Charges, in defense of which a lawyer may disclose client confidences and secrets, can arise in a civil, criminal, or professional disciplinary proceeding, and can be based on a wrong allegedly committed by the lawyer against the client, or on a wrong alleged by a third person; for example, a person claiming to have been defrauded by the lawyer and client acting together.

[22] The lawyer may not disclose a client's confidences or secrets to defend against informal allegations made by third parties; the Rule allows disclosure only if a third party has formally instituted a civil, criminal, or disciplinary action against the lawyer. Even if the third party has formally instituted such a proceeding, the lawyer should advise the client of the third party's action and request that the client respond appropriately, if this is practicable and would not be prejudicial to the lawyer's ability to establish a defense.

[23] If a lawyer's client, or former client, has made specific allegations against the lawyer, the lawyer may disclose that client's confidences and secrets in establishing a defense, without waiting for formal proceedings to be commenced. The requirement of subparagraph (d)(3) that there be "specific" charges of misconduct by the client precludes the lawyer from disclosing confidences or secrets in response to general criticism by a client; an example of such a general criticism would be an assertion by the client that the lawyer "did a poor job" of representing the client. But in this situation, as well as in the defense of formally instituted third-party proceedings, disclosure should be no greater than the lawyer reasonably believes is necessary to vindicate innocence, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it, and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

Fee Collection Actions

[24] Subparagraph (d)(5) permits a lawyer to reveal a client's confidences or secrets if this is necessary in an action to collect fees from the client. This aspect of the Rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary. Subparagraph (d)(5) should be construed narrowly; it does not authorize broad, indiscriminate disclosure of secrets or confidences. The lawyer should evaluate the necessity for disclosure of information at each stage of the action. For example, in drafting the complaint in a fee collection suit, it would be necessary to reveal the "secrets" that the lawyer was retained by the client, that fees are due, and that the client has failed to pay those fees. Further disclosure of the client's secrets and confidences would be impermissible at the complaint stage. If possible, the lawyer should prevent even the disclosure of the client's identity through the use of John Doe pleadings.

[25] If the client's response to the lawyer's complaint raised issues implicating confidences or secrets, the lawyer would be permitted to disclose confidential or secret information pertinent to the client's claims or defenses. Even then, the Rule would require that the lawyer's response be narrowly tailored to meet the client's specific allegations, with the minimum degree of disclosure sufficient to respond effectively. In addition, the lawyer should continue, throughout the action, to make every effort to avoid unnecessary disclosure of the client's confidences and secrets and to limit the disclosure to those having the need to know it. To this end the lawyer should seek appropriate protective orders and make any other arrangements that would minimize the risk of disclosure of the confidential information in question, including the utilization of in camera proceedings.

Disclosures Otherwise Required or Authorized

[26] The attorney-client privilege is differently defined in various jurisdictions. If a lawyer is called as a witness to give testimony concerning a client, absent waiver by the client, subparagraph (d)(2) requires the lawyer to invoke the privilege when it is applicable. The lawyer may comply with the final orders of a court or other tribunal of competent jurisdiction requiring the lawyer to give information about the client. But a lawyer ordered by a court to disclose client confidences or secrets should not comply with the order until the lawyer has personally made every reasonable effort to appeal the order or has notified the client of the order and given the client the opportunity to challenge it.

[27] The Rules of Professional Conduct in various circumstances permit or require a lawyer to disclose information relating to the representation. *See* Rules 2.2, 2.3, 3.3, and 4.1. In addition to these provisions, a lawyer may be obligated or permitted by other provisions of law to give information about a client. Whether another provision of law supersedes Rule 1.6 is a matter of interpretation beyond the scope of these Rules, but a presumption exists against such a supersession.

Former Client

[28] The duty of confidentiality continues after the client-lawyer relationship has terminated.

Services Rendered in Assisting Another Lawyer Before Becoming a Member of the Bar

[29] There are circumstances in which a person who ultimately becomes a lawyer provides assistance to a lawyer while serving in a nonlawyer capacity. The typical situation is that of the law clerk or summer associate in a law firm or government agency. Paragraph (g) addresses the confidentiality obligations of such a person after becoming a member of the Bar; the same confidentiality obligations are imposed as would apply if the person had been a member of the Bar at the time confidences or secrets were received. This resolution of the confidentiality obligation is consistent with the reasoning employed in D.C. Bar Legal Ethics Committee Opinion 84 (1980). For a related provision dealing with the imputation of disqualifications arising from prior participation as a law clerk, summer associate, or in a similar position, see Rule 1.10(b).

Bar Sponsored Counseling Programs

[30] Paragraph (h) adds a provision dealing specifically with the disclosure obligations of lawyers who are assisting in the counseling programs of the D.C. Bar's Lawyer Counseling Committee. Members of that committee, and lawyer-intervenors who assist the committee in counseling, may obtain information from lawyer-counselees who have sought assistance from the counseling programs offered by the committee. It is in the interests of the public to encourage lawyers who have alcohol or other substance abuse problems to seek counseling as a first step toward rehabilitation. Some lawyers who seek such assistance may have violated provisions of the Rules of Professional Conduct, or other provisions of law, including

criminal statutes such as those dealing with embezzlement. In order for those who are providing counseling services to evaluate properly the lawyer-counselee's problems and enhance the prospects for rehabilitation, it is necessary for the counselors to receive completely candid information from the lawyer-counselee. Such candor is not likely if the counselor, for example, would be compelled by Rule 8.3 to report the lawyer-counselee's conduct to Bar Counsel, or if the lawyer-counselee feared that the counselor could be compelled by prosecutors or others to disclose information.

[31] It is similarly in the interest of the public to encourage lawyers to seek the assistance of the D.C. Bar's Lawyer Practice Assistance Committee to address management problems in their practices. In order for those who are providing counseling services through the Lawyer Practice Assistance Committee to evaluate properly the lawyer-counselee's problems and enhance the prospects for self-improvement by the counselee, paragraph (i) adds a provision addressing the confidentiality obligations of lawyers who are assisting in the counseling programs of the Lawyer Practice Assistance Committee.

[32] These considerations make it appropriate to treat the lawyer—counselee relationship as a lawyer-client relationship, and to create an additional limited class of information treated as secrets or confidences subject to the protection of Rule 1.6. The scope of that information is set forth in paragraph (h) and (i). The lawyer-client relationship is deemed to exist only with respect to the obligation of confidentiality created under Rule 1.6, and not to obligations created elsewhere in these Rules, including the obligation of zealous representation under Rule 1.3 and the obligation to avoid conflicts of interest set forth in Rules 1.7 and 1.9. The obligation of confidentiality extends to non-lawyer assistants of lawyers serving the committee. See Rule 5.1.

[33] Notwithstanding the obligation of confidentiality under paragraph (i), during the period in which a lawyer-counselee is subject to a probationary or monitoring order of the Court of Appeals or the Board on Professional Responsibility in a disciplinary case instituted pursuant to Rule XI of the Rules of the Court of Appeals Governing the Bar, communications between the counselor and the lawyer being counseled under the auspices of the Lawyer Practice Assistance Committee shall be subject to disclosure in accordance with an Order of the Court or the Board, since the participation of the lawyer-counselee in the programs of the committee in such circumstances is not voluntary.

[34] Ethical rules established by the District of Columbia Court of Appeals with respect to the kinds of information protected from compelled disclosure may not be accepted by other forums or jurisdictions. Therefore, the protections afforded to lawyer-counselees by paragraphs (h) and (i) may not be available to preclude disclosure in all circumstances. Furthermore, lawyers who are members of the bar of other jurisdictions may not be entitled under the ethics rules applicable to members of the bar in such other jurisdictions, to forgo reporting violations to disciplinary authorities pursuant to the other jurisdictions' counterparts to Rule 8.3.

Government Lawyers

[35] Subparagraph (d)(2) was revised, and paragraph (i) was added, to address the unique circumstances raised by attorney-client relationships within the government.

[36] Subparagraph (d)(2)(A) applies to both private and government attorney-client relationships. Subparagraph (d)(2)(B) applies to government lawyers only. It is designed to permit disclosures that are not required by law or court order under Rule 1.6(d)(2)(A), but which the government authorizes its attorneys to make in connection with their professional services to the government. Such disclosures may be authorized or required by statute, executive order, or regulation, depending on the constitutional or statutory powers of the authorizing entity. If so authorized or required, subparagraph (d)(2)(B) governs.

[37] The term "agency" in paragraph (i) includes, inter alia, executive and independent departments and agencies, special commissions, committees of the legislature, agencies of the legislative branch such as the General Accounting Office, and the courts to the extent that they employ lawyers (e.g., staff counsel) to counsel them. The employing agency has been designated the client under this rule to provide a commonly understood and easily determinable point for identifying the government client.

[38] Government lawyers may also be assigned to provide an individual with counsel or representation in circumstances that make clear that an obligation of confidentiality runs directly to that individual and that subparagraph (d)(2)(A), not (d)(2)(B), applies. It is, of course, acceptable in this circumstance for a government lawyer to make disclosures about the individual representation to supervisors or others within the employing governmental agency so long as such disclosures are made in the context of, and consistent with, the agency's representation program. *See, e.g.*, 28 C.F.R. §§ 50.15 and 50.16. The relevant circumstances, including the agreement to represent the individual, may also indicate the extent to which the individual client to whom the government lawyer is assigned will be deemed to have granted or denied consent to disclosures to the lawyer's employing agency. Examples of such representation include representation by a public defender, a government lawyer representing a defendant sued for damages arising out of the performance of the defendant's government employment, and a military lawyer representing a court-martial defendant.

RULE 1.7 CONFLICT OF INTEREST: GENERAL RULE

(a) A LAWYER SHALL NOT ADVANCE TWO OR MORE ADVERSE POSITIONS IN THE SAME MATTER.

(b) EXCEPT AS PERMITTED BY PARAGRAPH (c)

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COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON TRADE

Exhibit 7

Congress of the United States
House of Representatives
XAVIER BECERRA
30TH DISTRICT, CALIFORNIA

April 18, 2002

Chairman Dan Burton
House Committee on Government Reform
2157 Rayburn HOB
Washington DC 20515

Dear Chairman Burton:

Having reviewed your Presidential pardons oversight report, "Justice Undone: Clemency Decisions in the Clinton White House," released on March 15, 2002, I submit the following comments to clarify and correct passages therein. I respectfully request that these comments be included in the final report issued by the House of Representatives' Committee on Government Reform ("Committee").

I should begin by pointing out that at no time during your official examination of the President's pardons did any of the Committee's investigators contact me or attempt to do so to receive firsthand the details of my actions pertaining to the Vignali commutation. Instead, it appears that your report relies almost exclusively on secondary sources for its substance.

These secondary sources, principally newspaper articles, contain inaccuracies. As a result, the portions of the Committee report, which make reference to me, contain factual errors and troubling distortions.

Significantly, the Committee report commits a major error in mapping out the sequence of relevant events. The investigators failed to lay out the facts in their proper order. This is important because it has the effect of distorting my actions and, indeed, my intentions in this matter.

The Committee report attributes to me remarks that I never said. On page 24 the report states that "Becerra asked [U.S. Attorney] Mayorkas ... whether a commutation could be granted." I did not.

In another reference to me, on page 25, the report asserts that "Becerra has steadfastly maintained that he did nothing wrong and did not ever *explicitly* support Vignali's clemency grant." (Emphasis added.) Does the report try to leave wrongfully the impression that I may have offered implicit support? Such editorializing through the use of the word "explicitly" has no place in what should be an official and unbiased accounting of the facts.

Two sentences later the report does it again: "[Becerra] has said that he never *specifically* asked President Clinton to commute Carlos Vignali's sentence." (Emphasis added.) I never asked the President to do any such thing, "specifically," generally, or in any way. Reporting techniques that unnecessarily and inaccurately characterize the facts undermine the credibility of investigative reports.

The facts speak for themselves. That is the best way to report them, and that would have been the best way for the Committee to report them.

Once again, I respectfully request that my remarks herein be inserted at the appropriate point in the Committee's report on this matter. Thank you in advance for your attention.

Sincerely,

XAVIER BECERRA
Member of Congress

MAR 13 2002 22:50 FR DSM&O 202 887 0689 TO 1677#130375#0000 P.02

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March 13, 2002

VIA FACSIMILE

Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burton:

I have briefly reviewed portions of the draft majority report entitled, "Justice Undone: Clemency Decisions in the Clinton White House." At page 166 of that report, there purports to be a description of the Committee's efforts to obtain my testimony last year. This letter is to correct the factual inaccuracies in that description.

First, and most importantly, at no point before I boarded an airplane to California on February 28, 2001, did any member of the Committee's staff inform me or any attorney with my firm that the Committee would subpoena me to attend the hearing.

Prior to receipt of your letter of February 26, 2001, it was totally unclear whether my testimony would even be requested. Indeed, my appearance was at that time contingent upon whether the testimony of I. Lewis Libby would be sought by the minority.

Moreover, your letter of February 26 still simply requested my testimony and made no mention of a subpoena. My response of February 27, which was sent to the Committee prior to 7:40 pm (contrary to the assertion in the majority report), reiterated my willingness to voluntarily appear before the Committee. It stated:

> I intend to fully cooperate with the Committee's efforts. I will return to Washington next week and am willing to meet with you or your staff at a mutually convenient time.

As I stated in my testimony, I was in my office until 9:00 pm that evening, received no response and, consequently, left for California the next morning to proceed with my business appointments.

I reiterate – at no time before I boarded the airplane for California was either I, or any attorney at my firm, advised that I would be subpoenaed to attend the hearing. At

no time did I attempt to avoid compulsory process and, in fact, I offered in writing to appear voluntarily. I respectfully request that the above-referenced inaccuracies be corrected prior to consideration of the majority report.

Sincerely,

Peter J. Kadzik

PJK/prb

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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865 South Figueroa Street, 10th Floor | Los Angeles, California 90017 | TEL 213-624-7707 FAX 213-624-0643

trial lawyers

April 4, 2002

VIA FACSIMILE
AND OVERNIGHT MAIL

Hon. Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Additional Views Re Report Entitled "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Congressman Burton:

Our firm represents the Hon. Leroy D. Baca, Sheriff of Los Angeles County, in connection with your Committee's investigation of the circumstances surrounding numerous "eleventh hour" pardons and commutations by President Clinton in January 2001. Sheriff Baca was interviewed by Committee counsel in June 2001 in connection with the commutation of Carlos Vignali, and there are references to Sheriff Baca in the above-referenced report ("Report"), which was prepared by your Committee counsel, approved by the Committee and released on or about March 20, 2002. We understand that the Committee will be considering "Additional Views" further to the Report on April 8, 2002, and we respectfully request that this letter be made part of the official record at such time.

As discussed herein, the Report contains statements, findings and conclusions regarding Sheriff Baca that are false and misleading. This letter first addresses certain flaws in the process

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whereby the Report was prepared, and then describes the Report's shortcomings related to Sheriff Baca.

The Committee Counsel's Investigation Was Flawed

It should first be noted that at all times Sheriff Baca cooperated fully with your Committee counsel's investigation. He was interviewed by Committee counsel on June 22, 2001. At that time, given the fact that the interview was being conducted over the telephone and that it addressed matters going back several years, we requested that prior to finalizing the Report, Committee counsel share with us any draft portions that related to the facts covered in Sheriff Baca's interview. As you no doubt know, this is customary in independent investigations and is even required in some such circumstances. The practice is a prudent one--it provides an additional check and balance to ensure the accuracy of the Report. For some reason, Committee counsel rejected our request, essentially stating with no further explanation, "We will not do that." Of course, had Committee counsel shared drafts of the pertinent portions of the Report with us, the inaccuracies addressed below might have been avoided. Even more troubling, though, is the fact that Committee counsel apparently did release portions of an advance draft of the Report to at least one person, with a request that that person review the draft for accuracy. (See enclosed copy of letter dated February 25, 2002 from Committee Counsel Pablo Carillo.) Sharing draft portions of the Report with some parties but not others suggests that Committee counsel's goal was not fairness or accuracy, but rather some pre-determined conclusion. The Committee may not have been aware of this selective release of portions of the draft Report, so you may wish to question Committee counsel on the record to determine with whom Committee counsel shared the draft report, why this selective release occurred and whether others in addition to Sheriff Baca requested the same opportunity but were refused.

Further, Committee counsel has refused to release the memoranda of interviews that purportedly support the Report's findings. (Although the Report cites to numerous interviews in footnotes, Committee counsel has informed us that they will not release any memoranda or notes of interviews.) Without the disclosure of the underlying evidence, the Report is simply a conclusory narrative with no factual support. It is customary to make available transcripts of any testimony and memoranda of interviews and any other evidence underlying a report of this kind. Only then can the public determine whether the Report's findings are supported by the evidence, and the failure to produce the evidence here clearly undercuts the credibility and relevance of the Report. Even should the Committee determine for some reason to not publicly release Committee counsel's interview memoranda, notes, etc., we respectfully request that you provide any such materials relating to Sheriff Baca, to us.

Finally, at the same time the Report criticizes certain public officials for what amounts to misconduct, Committee counsel themselves appear to have violated certain legal provisions regarding the confidentiality of criminal investigative reports. Committee counsel appears to

have improperly obtained copies of investigative reports from the State of California, Bureau of Narcotics Enforcement, in violation of state law and policy. See, e.g., California Government Code Section 6254; California Attorney General Criminal Intelligence File Guidelines (intelligence information should be accessed only on a strict need-to-know basis). The irony here–that Committee counsel, in its zeal to root out poor judgment in connection with the Vignali commutation, would itself exercise such poor judgment-is apparently lost on Committee counsel, but it should not be lost on the Committee. The Committee should inquire of Committee counsel the legal basis for its acquisition and publication of confidential criminal intelligence materials, and what steps, if any, Committee counsel took to ensure compliance with applicable legal and ethical requirements in conducting its investigation.

Perhaps because of the flaws in the process described above, or for the same reasons the flaws occurred, the Report makes significant errors and several of its conclusions are simply dead wrong. As detailed below,

- Sheriff Baca at all times opposed clemency for Carlos Vignali;
- Sheriff Baca refused to write a letter supporting clemency for Carlos Vignali and never initiated any contact with the White House;
- Only the White House could determine to grant or deny Vignali's clemency request, and Sheriff Baca was unaware of the criteria used to make such determination;
- There is no evidence to support the Report's absurd finding that Sheriff Baca actually supported clemency but wished to avoid a "paper trail;"
- Hugh Rodham and White House counsel misrepresented Sheriff Baca's position for their own interests; and
- Contrary to the Report, Sheriff Baca had no knowledge of any alleged misconduct by Horacio Vignali and the Report's suggestion that he had constructive knowledge of statements in confidential DEA investigative reports evidences a fundamental misunderstanding of law enforcement policies, procedures and ethics.

These issues are addressed separately below.

Sheriff Baca Opposed Clemency for Carlos Vignali

At the heart of the Report's findings is the assertion that Sheriff Baca supported clemency for Carlos Vignali and knew or should have known that his actions would be construed as supporting clemency. This assertion flies in the face of the undisputed fact that Sheriff Baca opposed clemency, believed Vignali was guilty and believed he should serve his sentence. Although it is the subject of only a vague reference in the Report, Sheriff Baca described vividly for Committee counsel how he told Horacio Vignali in no uncertain terms that his son was guilty, that he should serve his time and that Horacio Vignali should "get over it." When Horacio Vignali asked the Sheriff to write a letter supporting clemency, he flatly refused. The Report thus ignores a fundamental distinction between Sheriff Baca and the other public figures who were involved in this episode--Sheriff Baca never supported clemency for Carlos Vignali.

Sheriff Baca Refused to Write a Letter Supporting Clemency and Never Initiated Any Contact with the While House

After skipping over the evidence establishing that Sheriff Baca did not support the Vignali commutation, the Report then creates the misleading impression that Sheriff Baca actively sought to advocate on behalf of Carlos Vignali's clemency application. The Report should make clear that as a matter of fact, this never happened. Sheriff Baca never asked the White House or the Department of Justice to give favorable consideration to the application, or even to review the case, as did the other public figures who communicated with the White House regarding this matter.

As Sheriff Baca told Committee counsel repeatedly in his interview, he told Horacio Vignali that he was "wasting his money" in pursuing clemency, and that Mr. Vignali should accept the truth about his son's crimes and sentence. Sheriff Baca did write a letter in 1996 to request a prison transfer to an institution closer to Los Angeles, and then a second letter in December 2000 attesting to the Sheriff's then-opinion of Horacio Vignali's trustworthiness. But as Sheriff Baca explained to Committee counsel when he gave this letter to Horacio Vignali, Mr. Vignali told the Sheriff, "I can't use this. This doesn't do me any good. I won't use this."[1] Because it appears the letter never was provided by Mr. Vignali to the White House, it had absolutely no causal nexus to the commutation. Committee counsel was not even in possession of this letter until we produced a computer print-out of the letter shortly before Sheriff Baca's interview! Indeed, as the Report notes, White House counsel believed the Sheriff was unwilling to write a letter in support of the application. Further, unlike several other public officials, Sheriff Baca did not initiate a call to the White House to lobby on behalf of the Vignalis--he only spoke to the White House in response to a call he received from the White House Counsel's office, which as described below

[1] Like many others that disprove Committee counsel's hypothesis, these facts appear nowhere in the Report.

appears to have been the result of misrepresentations by Hugh Rodham about the Sheriff's position.

Only the White House Could Act on the Application and Sheriff Baca Was Unaware of the Relevant Criteria

The Report inexplicably dismisses statements by the Sheriff to the effect that the determination whether to grant a commutation of sentence for Carlos Vignali was one only the White House could make. This was of course exactly the case--the determination was within the sole discretion of the President and Sheriff Baca had never had cause to learn of the legal or policy criteria used to make such determination, either generally or specifically by the Clinton Administration. Indeed, the ostensible basis for your Committee's Report is to examine these very procedures and protocols. When contacted by White House counsel, the Sheriff (who of course was unaware that his position had been misrepresented by Mr. Rodham) responded with appropriate deference to the White House in this regard, and the inference that this somehow constituted tacit advocacy on behalf of commutation is baseless.

There Is No Evidence to Suggest That the Sheriff Sought to Avoid a "Paper Trail"

In another disturbing misstatement, the Report suggests that the reason Sheriff Baca refused to write a letter supporting clemency was to avoid a "paper trail." First, the Sheriff did writer two letters on behalf of Horacio Vignali, which in and of itself shatters any claim that there was any concern about a "paper trail." Moreover, the Sheriff himself produced to Committee counsel a computer print-out of the December 2000 letter, which they did not have–conduct clearly inconsistent with trying to avoid a "paper trail." Finally, the officials who supported clemency said so--in writing and/or orally. Sheriff Baca never did. His position was always clear, both with Horacio Vignali and those with whom he spoke in Washington--he never said he supported commutation; he said that only the President could make that determination based on criteria unknown to the Sheriff; and he said Horacio Vignali was someone who in the Sheriff's experience was trustworthy. Not even Machiavelli would believe that this consistent message by Sheriff Baca was actually intended to somehow constitute advocacy on behalf of Carlos Vignali. As his lifelong record shows, it is undisputed that Sheriff Baca is honest, straightforward and plain-spoken, and his statements here–with Horacio Vignali, with Hugh Rodham, with the White House, and with Committee counsel–were consistent with his character in this regard.

Hugh Rodham and the White House Misrepresented Sheriff Baca's Position to Their Own Ends

When one objectively considers the facts alleged in the Report, the only conclusion supported by the facts, common sense and reason is that Hugh Rodham and the White House counsel's office misrepresented the Sheriff's position for different but related reasons. Mr. Rodham wanted a commutation for his client and Sheriff Baca's support–had it existed–clearly would have been

helpful. The White House wanted to shield itself from the inevitable criticism that would result when it granted clemency to a convicted cocaine dealer who had failed to accept responsibility but was represented by the President's brother-in-law. Although the Report makes note of these factors, it disappointingly fails to examine the evidence regarding Sheriff Baca's actions in that context.

When Sheriff Baca returned a phone call and spoke briefly by telephone to a White Counsel staff member (apparently, Dawn Wooten), he was unaware whether his letter had been provided to anyone or not, and he certainly had no reason to believe that anyone had falsely represented that he supported the Vignali clemency application. At places, the Report shows that White House counsel actually gained their understanding of the Sheriff's purported "support" position not from anything Sheriff Baca said, but rather from Hugh Rodham, whose motives to misrepresent are self-evident, who refused to speak with Committee counsel, who according to the Report made a series of other "serious misrepresentations" in arguing in support of the clemency application to Bruce Lindsey[2] and whose character the Report calls into question.[3] (In his interview, Sheriff Baca explained how he told Mr. Rodham that he had nothing to say regarding Carlos Vignali or the clemency application. Again, the Report deletes any reference to these facts.) Elsewhere, the Report purports to cite to Dawn Wooten's recollection of her brief conversation with the Sheriff, which recollection itself appears to be inconsistent.[4] Whereas Wooten spoke to Rodham at least five times, she had only one brief conversation with Sheriff Baca during a period of intense activity in her office, and she apparently has no independent recollection of this conversation apart from a handwritten note she prepared to Bruce Lindsey that "reflects" her conversation with the Sheriff. However, the note apparently does not indicate the source of the information contained therein and it is consistent with the false statements Mr. Rodham had made to her and to Mr. Lindsey. It is virtually certain that Ms. Wooten is unable to determine whether her impression of Sheriff Baca's position actually came from him, or from Mr. Rodham's repeated misrepresentations. Unfortunately, it appears that Committee counsel did not wish to explore this conflict in the evidence and Ms. Wooten's memory was never tested with vigorous questioning from an unbiased professional. At a minimum, Ms. Wooten and Sheriff Baca appear to have been talking past one another, with Ms. Wooten assuming that what Mr. Rodham had told her was true; or perhaps Ms. Wooten's statements are part of the attempt by the truly responsible parties to use "the support of . . . Baca as a fig leaf to rationalize its decision."[5]

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[2] Report at 49.

[3] Report at 57.

[4] See, e.g., Report at 53.

[5] Report at 40.

As the Report concludes, White House staff clearly has a motive to seek to shift responsibility for this episode from themselves and Mr. Rodham, so Ms. Wooden's statements must be examined with much scrutiny. As noted above, however, neither her statements to Committee counsel nor any record of her statements have been made available for review.

The totality of the evidence supports Sheriff Baca's clear recollection that 1) he had an extremely brief conversation with a White House counsel staff member, 2) he never told the staffer that he supported clemency for Vignali, 3) no reasonable person in the position of the White House staff member with whom he spoke could have concluded that he supported clemency, and 4) he truthfully told the White House staff member that only the President was in the position to consider the merits of the application, because he and not Sheriff Baca had the relevant data and knew the process for considering commutations. Although this conclusion may not be as a salacious as the ones the Report stretches to make, it has the advantage of being accurate.[6]

The Sheriff Had No Knowledge of Alleged Misconduct by Horacio Vignali

Sheriff Baca was unaware until very recently of any "allegations" regarding misconduct by Horacio Vignali. The Report misleadingly suggests that Sheriff Baca should have known of certain statements contained in DEA-6's, i.e., confidential investigative reports from the Drug Enforcement Administration, that were in the possession of California Department of Justice agents, regarding Horacio Vignali.[7] It clearly would have been inappropriate for Sheriff Baca to use his position to access confidential law enforcement files of other agencies regarding Horacio Vignali, and there was no sufficient reason for the Sheriff to do so.[8] Indeed, as noted above, Committee counsel themselves were completely unfamiliar with the important safeguards in that they themselves may have improperly accessed confidential law enforcement records regarding criminal investigations, without any legal process whatsoever. Here again, the sacrifice of

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[6] It is somewhat ironic to say the least that Committee counsel join the Clinton White House and Hugh Rodham in seeking to blame Sheriff Baca for the White House's decision to commute Carlos Vignali's sentence. Politics makes strange bedfellows indeed.

[7] See, e.g., Report at 43 ("Sheriff Baca . . . had access to this information.")

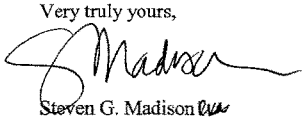
[8] When we pointed out to Committee counsel that it would have been inappropriate to investigate Horacio Vignali by reviewing other agencies' confidential files, Committee counsel responded that Sheriff Baca "could have just made a phone call" and learned the information. Of course, it would have also been inappropriate to conduct this sort of "investigation" orally, and it is unclear whom Committee counsel thought the Sheriff should have called out of more than 100 law enforcement agencies in Los Angeles County.

important legal checks and balances in the interest of a zealous, result-oriented "investigation" casts the Committee in a very poor light, and undermines the integrity of the Report's findings.[9] When the Sheriff did learn of the existence of law enforcement reports referring to Horacio Vignali, he promptly returned all campaign contributions he had received from Mr. Vignali.

Conclusion

Lee Baca is a highly respected, non-partisan law enforcement official with over 30 years of exemplary service to his community. In March he was re-elected by an overwhelming majority as Sheriff of the Nation's largest County. He supervises one of the largest custodial systems in the world, the Los Angeles County jail system, which typically houses an average of 19,000 inmates. In that capacity he clearly understands the need for sound policies and procedures regarding the appropriate treatment of sentenced convicts, and he is hopeful that your Committee's work will result in some positive reforms. If he were asked to grant early release for an inmate in the Los Angeles County jail, Sheriff Baca would carefully review the facts and apply the applicable law, which is what he assumed would occur in the case of Carlos Vignali. As a result of shoddy investigative work by overzealous investigators, however, Sheriff Baca has been unfairly blamed for the knowing, intentional decisions of others. We respectfully request that the Report be corrected as described above. If any further information is needed, please advise. Thank you for your consideration of this submission.

Very truly yours,



Steven G. Madison

SGM:wp
02170/409373.5

cc: Hon. Stephen Horn
Hon. Diane Watson
Hon. Henry Waxman
Hon. Leroy D. Baca
David Kass, Esq.

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[9] Perhaps the most outrageous statement in the Report is the assertion that Sheriff Baca chose to maintain a relationship with Horacio Vignali "rather than investigate these allegations against [him]." The obvious fallacy in this defamatory statement is that there is no evidence that Sheriff had any knowledge of any such "allegations," and he told Committee Counsel that. This statement should be stricken from the Report.

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 Rayburn House Office Building
Washington, DC 20515–6143

February 25, 2002

VIA FACSIMILE (323) 838-2801 AND FEDERAL EXPRESS

[redacted]

It was a pleasure speaking with you last Wednesday, February 20, 2002. As per that conversation, please review the attached pages for content and confidentiality, and provide me with any comments or suggestions you might have at your earliest convenience.

Of course, feel free to call me or Deputy Chief Counsel David Kass at (202) 225-5074, if you have any questions.

Sincerely,

Pablo E. Carrillo
Counsel

d. California Law Enforcement and Political Officials Supported Vignali's Clemency Petition Despite Serious Allegations Against Horacio and Carlos Vignali

a. There Were Extensive Allegations of Drug Trafficking Against Horacio Vignali and Carlos Vignali

The Committee has learned of numerous allegations, made to law enforcement as long as twenty five years ago, that Horacio Vignali was involved in cocaine trafficking and other illegal activity. The Committee has also discovered other allegations that Carlos Vignali was deeply involved in drug sales even more extensive than those for which he was prosecuted in Minnesota. Although the information the Committee obtained consists solely of allegations against Horacio and Carlos Vignali, it is extremely significant. These reports allege long-term criminal activity on the part of Horacio Vignali. They allege that Horacio Vignali is involved in the cocaine trade, and even is the source of supply for his son. Despite that these reports were available to Sheriff Baca and U.S. Attorney Mayorkas, both chose not to conduct any due diligence before supporting Vignali's clemency plea. Although the White House and the Justice Department also had access to these reports, apparently neither considered them. Even though these allegations have not been proven, the mere fact that there were these serious allegations against Horacio and Carlos Vignali should have ruled out the possibility of executive clemency for Carlos Vignali. Instead, these reports were never considered.

While the extensive DEA reports regarding Horacio and Carlos Vignali are being made public only now, it appears that suspicions about Horacio Vignali's role in drug trafficking were widespread and well-known to law enforcement. In interviews with Committee staff, Todd Jones and Denise Reilly, who were responsible for the investigation and prosecution of Carlos Vignali in Minnesota, both indicated that they believed that Carlos Vignali was not the "end of the line," and were aware of the widespread belief among investigators that Horacio Vignali was involved in drug trafficking with his son.[246] There was even more detailed knowledge regarding allegations against Horacio and Carlos Vignali among law enforcement officers in California. According to a number of investigators working for local law enforcement in Southern California, both Horacio and Carlos Vignali had been the subjects of major drug investigation.[247] As the following reports indicate, a number of law enforcement agencies apparently received credible information indicating that Carlos and Horacio Vignali were personally involved in

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[246] *See* Telephone Interview of Judge Denise Reilly, Juvenile Court, 4th Judicial District of Minnesota (Hennepin County) (May 11, 2001); Telephone Interview of Todd Jones, U.S. Attorney for the District of Minnesota, Department of Justice (May 2, 2000).

[247] In the course of its inquiry, the Committee has learned that while the White House was reviewing Carlos Vignali's clemency petition, Horacio Vignali and associates of Vignali were part of an Organized Crime Drug Enforcement Task Force ("OCDETF") investigation in the Los Angeles area. While Carlos Vignali's petition was pending, various federal and California law enforcement agencies were investigating Carlos and Horacio Vignali's involvement in supplying narcotics before Carlos' conviction in Minneapolis and Horacio Vignali's personal and business relationship with alleged California drug figure George Torres. In this case, the OCDETF investigation was being conducted by the federal government in cooperation with various agencies of the California State Department of Justice, including, the Bureau of Narcotics Enforcement ("BNE"), and various local law enforcement agencies, such as, the Santa Barbara Regional Narcotics Enforcement Team ("SBRNET") and the Downey City Police Department. Collectively, the state and local effort was coordinated by the "L.A. Impact" Task Force.

large-scale drug dealing. These same agencies also received allegations indicating that the Vignalis were part of a large organized drug dealing ring headed by George Torres.

The first series of reports indicate that there were allegations of drug dealing against Horacio Vignali dating back to 1976. Among those reports is a DEA-6, an internal investigative report, which notes that:

> [Horacio] Carlos VIGNALI[248] – Co-owner of the C&H Auto Body Shop. His drug relationship with the [redacted] Organization is also unknown. VIGNALI however is a close personal friend of [redacted]. In November, 1975, he negotiated with ATF Agents to sell a machine gun and stated to them that he had also smuggled heroin into the United States utilizing automobiles. Since current intelligence indicates that the remainder of the [redacted] Family in Los Angeles, [redacted] are still dealing in multi-kilogram quantities of heroin, it is recommended that a grand jury probe be initiated with the object of eliminating the remaining [redacted] Organization in Los Angeles by obtaining indictments on [redacted] possibly other members of their organization such as [redacted] [Horacio] Carlos VIGNALI, [redacted].[249]

A December 1, 1976, DEA report contains similar information:

> [Horacio] Carlos VIGNAL [sic] – the [redacted]s used his body shop in Los Angeles to take heroin out of the drive shafts of vehicles brought into the United States from Mexico.[250]

A more recent set of DEA reports contain additional allegations that Horacio Vignali is involved in drug trafficking. They also show that the DEA received information indicating that Horacio was involved in the drug trade with his son Carlos. A March 19, 1993, report states:

> The "traps", (hidden compartments) were built into the truck through Carlos VIGNALI Jr. for $5,000.00. [Redacted] has also purchased cocaine from Carlos VIGNALI Jr. of Los Angeles. . . . VIGNALI's father Carlos VIGNALI aka "pops" owns a body shop, at 1260 Figueroa and is the source of supply for his son.[251] . . . An associate of VIGNALI, Jorge TORRES aka 'G' owns [Numero Uno] Market on Jefferson St. in Los Angeles. Across the street from the Market, TORRES maintains a warehouse full of luxury vehicles and tractor trailers used to transport cocaine. The warehouse also has a penthouse complete with a casino

[248] The DEA report refers to "Carlos Vignali," but it is apparent that it is referring to Horacio Vignali, or "Carlos Vignali, Sr.," as he is known to many of his associates. The date of birth listed for Vignali, as well as other personal information, appears to correspond to that of Horacio Vignali.
[249] DEA document production Bates No. V-DEA-00009 (exhibit ___).
[250] DEA document production Bates No. V-DEA-00012 (exhibit ___).
[251] This information casts the following testimony from Horacio Vignali at Carlos' trial in a new light: "I treated him like my best friend, my partner, anything he needed, I would always provide for him, always. It doesn't matter what, I always provided it for him." *See* Transcript of Trial, *U.S. v. Vignali* (D.Minn. Dec. 1, 1994) at 297.

the report, the informant stated that Vignali showed his man a kilogram of cocaine so he would know the cocaine was sufficient.[260]

In addition to the reports listed above, two recent reports indicate that the DEA received information linking Horacio Vignali to a large-scale drug dealing organization headed by George Torres.[261] A September 25, 1997, DEA Case Initiation Report states that Torres' organization:

> Has been in existence since the middle 1980's when it was "closely associated with the [redacted] family in their drug trafficking. By the early 1990's this group were [sic] transporting approximately 1,800 kilograms of cocaine into the Los Angeles area from Mexico. At that time they were smuggling the cocaine using the [redacted] TORRES's tractor-trailer trucks, concealing the drugs inside laundry detergent and jalapeno chilli [sic] cans." [Redacted.] Since that time TORRES has continued to be involved in drug trafficking and information shows that his organization supply [sic] various drug trafficking organizations throughout the United States. TORRES' organization has used illicit profits derived from drug trafficking to buy legitimate businesses and properties throughout Los Angels [sic] and southern California. . . . Investigators believe that the organization uses these businesses to laundry [sic] its drug proceeds.[262]

A September 16, 1998, DEA report about Torres reported that:

> To date, the investigation shows that the TORRES organization is involved in the importation and distribution of drugs throughout the United States. Latest intelligence reveals that this group is distributing approximately one hundred (100) kilograms of cocaine per month. [Redacted.] George TORRES is the head of this organization. TORRES' direct associates include [redacted] Carlos Vignali. [Redacted] Carlos Horatio [sic] VIGNALI's role in the organization is relatively unknown at this time. It is believed that VIGNALI functions as a financial partner in the organization. VIGNALI has been involved in organizing meetings between TORRES and individuals with extensive criminal backgrounds.[263]

The report goes on to describe the scope of Torres' activities:

> The TORRES organization has used its profits from drug trafficking to purchase legitimate businesses and properties throughout the Southern California area . . . The grocery and wholesale business are cash intensive thus making it easy to launder illicit funds through them. In 1996, TORRES' businesses had sales of

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[260] *See Id.*

[261] At trial, Carlos Vignali conceded that Torres was a friend of the family and, in particular, of his father. *See* Transcript of Trial, *U.S. v. Vignali* (D.Minn. Nov. 29, 1994) at 227. Carlos appears to have used a variation of George Torres' name – "Charles Torres" – when he subscribed for his pager. As illustrated above, because Carlos used that pager to communicate with his coconspirators in trafficking cocaine, he used "Charles Torres" to conceal his true identity.

[262] DEA document production V-DEA-00110 (exhibit).

[263] DEA document production (unnumbered) (exhibit).

ADDITIONAL VIEWS OF HON. DAN BURTON

INTRODUCTION

A number of important events have transpired since the Committee approved the report on March 14, 2002. First, former President Clinton granted an interview to *Newsweek* magazine in which he purported to address some of the issues discussed in the Committee's report. As discussed below, almost every statement made by former President Clinton is either false or misleading. It remains deeply troubling that the former President is relying on deception and half-truths rather than squarely addressing the numerous questions raised by his eleventh-hour clemency grants.

Also in the month since the approval of the report, a number of parties mentioned in the report, or their counsel, have provided the Committee with letters responding to the report. The Committee received letters from Peter Kadzik, Hugh Rodham, Los Angeles County Sheriff Leroy Baca, and Marie Ragghianti disputing various aspects of the Committee's report pertaining to them. I found all of these complaints uniformly without merit and have responded to them directly. Furthermore, in each case, I have been disturbed by the lengths to which these individuals have gone to distort the record of their involvement in these cases.

The Committee also received documents from Jack Quinn in response to a subpoena issued by the Committee shortly before the report was issued. These documents relate to Quinn's efforts to receive payment from Rich even after he pledged that he would not accept payment for his work on the Rich pardon. The documents indicate that after the Committee's hearings, Quinn and Rich entered into a $300,000 retainer agreement to compensate Quinn for his time and expenses in responding to the various investigations and inquiries into the Rich pardon. However, Quinn withheld additional documents related to other legal work for Rich, asserting attorney-client and work product privileges and claiming that the work was unrelated to the pardon.

The Committee also received a number of critically important documents from Marie Ragghianti, the former Chief of Staff to the U.S. Parole Commission. Committee staff initially asked Ragghianti to provide the Committee with any documents she had about the Clinton-Gambino matter in an interview in July 2001. Ragghianti indicated that she would search her files and provide any documents that she located. Ragghianti provided no records to the Committee for the next eight months. Then, after having her counsel prepare a letter complaining about the Committee's report, she attached a number of documents previously withheld from the Committee. Accordingly, the Committee issued a subpoena to Ragghianti for all of her documents about Roger Clinton or Rosario Gambino, and Ragghianti provided the Committee with relevant

documents retained in her personal possession. The documents contained important new facts that bolster the report's conclusions and undermine Ragghianti's criticisms.

I. COMMENTS BY FORMER PRESIDENT CLINTON

After the Committee's report was released, former President Clinton conducted an interview with *Newsweek* in which he purported to respond to the concerns raised by some of his grants of clemency. The President's comments are noteworthy in that they contain a number of false statements and baseless accusations. The relevant portion of the interview reads as follows:

> Question: How low [emotionally] did you go in the months just after you left?
>
> Clinton: I was just angry that after I worked so hard and after all that money had been spent proving that I never did anything wrong for money, that I'd get mugged one more time on the way out the door. People are free to say that they disagreed with this or that part of the decisions I made, but there wasn't a shred of evidence that it had been done for any improper motive. In fact, there is a lot of evidence to the contrary. I thought there was a little bit of a double standard in the way I was treated, to put it mildly. And I still do.
>
> Question: If you had to do it all over again, would you pardon Marc Rich?
>
> Clinton: Probably not, just for the politics. It was terrible politics. It wasn't worth the damage to my reputation. But that doesn't mean the attacks were true. The fact that his ex-wife—I didn't think they got along—was for it and had contributed to my library had nothing to do with it. I did it for three reasons. Number one, the Justice Department said they were no longer opposed and they were really for it. Had I not granted it, it would have been the only one they wanted publicly that [I] didn't grant. Number two, he waived his statute-of-limitations defenses so we can get lots of money from him [in a civil suit, if Rich returns to the United States]. Justice Ginsburg's husband—the tax expert—said he wasn't guilty. And the Justice Department under President Reagan said he was wrongly indicted in the first place. [A claim former Reagan officials deny.] The third thing is, I received a request from the government of Israel. They wanted him and [Jonathan] Pollard, and I considered Pollard an unrepentant spy and I didn't think I could pardon him. And I wanted to do something to support the peace process. Furthermore, [Rich's] main lawyer was Vice President Cheney's chief of staff [Lewis Libby] and they [conservative critics] tried to hide that.
>
> Question: Do you think you were a little more open to the argument, from personal experience, that prosecutors are not infallible?
>
> Clinton: Absolutely, I do. I do think that I was more vulnerable—look, I don't know Marc Rich and wouldn't know

him if he walked in the door there. I was very sensitive to prosecutorial abuse because I had seen it. I don't know that anyone is 100 percent aware of his motives. I don't think that's all bad for a president to be sensitive to any kind of abuse of power.

Question: But Rich was a fugitive. . .

Clinton: Look, I'm not justifying the fugitive status. But if we can get a couple of hundred million dollars, whatever it is he allegedly owes, is it in the interests of the United States to recover from him the way we recovered from other people who violated these oil-pricing schemes?

Question: Your brother and brother-in-law were basically selling access to you.

Clinton: I still don't know what the facts are, except that the evidence is I didn't grant anything [my brother] asked me to grant. I had no idea that [my brother-in-law] was involved in those two cases. Had I known it, I would have turned them down. I was just surprised and disappointed.

Question: It wasn't a great [year] for you, was it?

Clinton: Well, Buddy dying was by far the worst thing.[1]

President Clinton's interview is so replete with false and misleading statements that it is necessary to respond line-by-line.

- **"I was just angry that after I worked so hard and after all that money had been spent proving that I never did anything wrong for money, that I'd get mugged one more time on the way out the door."**

  By this comment, President Clinton suggests that the investigations into the Rich and Green pardons were a last-minute mugging perpetrated upon him by some sort of right-wing cabal. However, there was a widespread consensus that the Committee's investigation of President Clinton's clemency grants was justified. The following comments from Democratic Members of Congress and mainstream media outlets show that the Committee's investigation was justified and widely supported:

  Representative Eleanor Holmes Norton observed at the business meeting at which the report was approved, "[t]he investigation was not only warranted; I believe that the investigation has already served an important purpose. It is impossible for me to believe that any person contemplating running for President of the United States or who gets that office will again participate in the kind of pardon activity that went on at the end of the Clinton Administration."[2]

  The New York Times editorialized that "even [the President's] closest Democratic allies, people who stuck by him in other dark hours, are expressing doubts and dismay. As Senator Herb Kohl, a Wisconsin Democrat, put it, 'There probably isn't one person across the country today who is familiar with this case

[1] Jonathan Alter, *Life is Fleeting, Man*, NEWSWEEK, Apr. 8, 2002, at 42.
[2] Business Meeting, Comm. on Govt. Reform, Mar. 14, 2002, at 76.

who doesn't think that it's a question of power, connection, money.' Clinton said he would be willing to cooperate 'with any appropriate inquiry.' That would certainly be helpful. Despite the desire expressed by President Bush and others to close the book on Clinton's presidency, there is still a strong and legitimate interest in getting to the bottom of this insupportable pardon."[3]

Former Democratic Mayor Jerry Brown observed, "If you're asking about pardons, the president can give any pardon he wants. That's in the constitution. But that doesn't stop people from looking into it to see was there money exchanged or was there influence . . . that wasn't appropriate. And that's certainly a legitimate subject for investigation."[4]

At a hearing on the Rich pardon, Senator Russell Feingold stated that "I do believe that legitimate questions have been raised about the pardon of Marc Rich, in particular, and for me, as for many Senators and many Americans, suspicions about this pardon arise from the fact that Marc Rich's ex-wife, Denise Rich, was a large donor to the Democratic Party—not just a large donor, a huge donor. . . . [Denise Rich's contributions to the Democratic Party] can't help but raise some questions about this pardon."[5]

The *Sunday Herald* reported that "die-hard loyalists like James Carville are admitting the inquiries are 'legitimate' while Massachusetts Congressman Barney Frank, one of Clinton's fiercest defenders during the Lewinsky scandal is telling anyone who'll listen that he's 'through with the Clintons.'"[6]

- **"People are free to say that they disagreed with this or that part of the decisions I made, but there wasn't a shred of evidence that it had been done for any improper motive. In fact, there is a lot of evidence to the contrary."**

  Rather than directly deny wrongdoing and candidly answer questions about his decisions in the Rich case, it seems that the former President is attempting to establish a standard under which he can be criticized only where criminal wrongdoing can be established. Former President Clinton's basic assertion that there was not a "shred of evidence" of improper motive is incorrect. The Marc Rich pardon is replete with evidence that a number of the major actors had improper motives. The first and most obvious piece of evidence is that the four major players in the Marc Rich case—Marc Rich, Pincus Green, Denise Rich, and Beth Dozoretz—have refused to discuss their involvement in the case, with two of them relying on their Fifth Amendment right against self-incrimination. The two people closest to President Clinton who lobbied him on the Rich and Green pardons—Denise Rich and Beth Dozoretz—have refused to testify about their discussions with the President without a grant of prosecu-

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[3] *A New Front in the Pardon Investigation*, N.Y. TIMES, Feb. 16, 2001, at A18.
[4] *The O'Reilly Factor* (Fox News television broadcast, Jan. 31, 2001).
[5] "President Clinton's Eleventh Hour Pardons," *Hearing Before the Senate Judiciary Comm.*, 107th Cong. 13 (Feb. 14, 2001).
[6] Marion McKeone, *The Day Hillary Turned Her Back on Bill*, SUNDAY HERALD, Feb. 25, 2001, at 17.

torial immunity. The consistent refusal of key witnesses to answer questions certainly raises concerns about their motives.

Similarly, it is unclear what the former President is referring to when he suggests that there is "a lot of evidence to the contrary" that there was improper motive. The clear factual record established by the report demonstrates that there was no reasonable explanation for the Marc Rich and Pincus Green pardons. All of the explanations offered to date by the President are factually inaccurate or totally irrelevant.

- **Question: "If you had to do it all over again, would you pardon Marc Rich?" Clinton: "Probably not, just for the politics. It was terrible politics. It wasn't worth the damage to my reputation."**

  This is one of the most shocking statements made by President Clinton. After all of the evidence demonstrating that Marc Rich and Pincus Green were large-scale criminals, fugitives from justice, and traitors to their country, the President can only bring himself to say that he "probably" would not grant the pardons again, "just for the politics," because it was not "worth the damage to my reputation." It apparently does not concern the President that he has pardoned two of the largest tax cheats and most wanted international fugitives in U.S. history. It apparently is not a matter of concern that a man who traded oil with (and thus has financially supported) terrorist regimes ranging from Ayatollah Khomeini's Iran to Saddam Hussein's Iraq has escaped any punishment from the U.S. legal system. President Clinton is apparently unconcerned that a man who attempted to renounce his citizenship to escape the law and was described as a "traitor" by his own attorney is now free to return to the United States. President Clinton is apparently not troubled that he has undermined U.S. efforts to apprehend criminals abroad by pardoning two of the FBI's most wanted fugitives.

  The one thing that does bother President Clinton, however, is the damage to his own reputation. During his terms in office, President Clinton demonstrated time and again his tendency to elevate his own interests above the interests of the United States. Yet, his insistence on discussing the Rich pardon only in terms of its impact on himself still manages to demonstrate a breathtaking level of hubris. Perhaps most important, it apparently is of no consequence to the former President that the Rich and Green pardons send the unambiguous message that there are two separate systems of justice: one for the rich and one for the poor.

- **"I did it for three reasons. Number one, the Justice Department said they were no longer opposed and they were really for it. Had I not granted it, it would have been the only one they wanted publicly that [I] didn't grant."**

  The former President's claim that the "Justice Department" was "really for" the Rich pardon is factually incorrect. Apart from informal contacts with Deputy Attorney General Eric Holder, the Justice Department was never informed that the Rich pardon

was even being considered until the middle of the night on January 19–20, 2001, after the decision had been made to grant the pardon. At that point, Associate White House Counsel Meredith Cabe informed Pardon Attorney Roger Adams that Rich and Green were going to receive pardons and asked Adams to conduct an NCIC background check on them. Before that telephone call, only Deputy Attorney General Eric Holder had any knowledge that the Rich pardon was being considered. Holder had known that the Rich pardon was being considered since November 2000 but had failed to inform anyone else in the Justice Department of that fact. None of the relevant components of the Justice Department that would have been able to provide an educated opinion—the prosecutors in the Southern District of New York, the Office of the Pardon Attorney, the FBI, and the U.S. Marshals Service—were ever asked to provide their opinion about the case. Therefore, it is highly misleading to say that the "Justice Department" was for the Rich pardon and completely false to claim that the Justice Department "publicly" supported it.

Eric Holder, of course, did privately inform White House Counsel Beth Nolan that he was "neutral, leaning towards" the Rich pardon. In the context of the unrelenting opposition to the pardon expressed by White House staff, this was effectively a statement of support. However, Holder had never consulted with anyone else at the Justice Department about the Rich pardon, and the mere fact that the Rich case was under consideration for a grant of clemency was kept completely secret until the pardons were granted on January 20, 2001. At no time before or after the pardon did any Justice Department official express public support for the pardon.

- **"Number two, he waived his statute-of-limitations defenses so we can get lots of money from him [in a civil suit, if Rich returns to the United States.]"**

  As explained in the report, President Clinton was completely wrong in thinking that he somehow obtained a valuable concession when he asked Jack Quinn to have Rich waive his statute of limitations defenses in exchange for the pardon. Marc Rich did not have a statute of limitations defense to waive. As the relevant statutes make perfectly clear, an individual who has fled the country is not entitled to use the expiration of the statute of limitations as an affirmative defense. In addition, it is highly unlikely that there was ever any civil liability relating to the 1983 charges against Rich and Green personally. Given that their companies already discharged the corporate liability in a 1984 plea agreement, it is even more unlikely that any personal financial liability would remain enforceable today. Finally, Rich has always been willing to pay hundreds of millions of dollars to avoid criminal liability. Rather than winning some concession on behalf of the U.S. government, President Clinton gave Marc Rich exactly what he had wanted since 1983.

- **"And the Justice Department under President Reagan said he was wrongly indicted in the first place."**

  This claim by the former President is a complete fabrication. The Justice Department has never made a statement that even remotely resembles the claim made by President Clinton. The Justice Department consistently defended the Rich and Green indictment during the Reagan, Bush, and Clinton Administrations. While it is not surprising that President Clinton would make false statements to excuse his conduct, it is surprising that he would make claims that are so obviously wrong.

- **"The third thing is, I received a request from the government of Israel. They wanted him and [Jonathan] Pollard, and I considered Pollard an unrepentant spy and I didn't think I could pardon him. And I wanted to do something to support the peace process."**

  This familiar argument is addressed thoroughly in the Committee's report. First, the President has overstated the extent to which the Israeli government was pushing for the Rich pardon. The transcripts of the conversations between President Clinton and Prime Minister Barak in the report make it clear that Barak did not push the President on the Rich issue. More importantly, at no point did Prime Minister Barak suggest that the Rich pardon would have a role in the Middle East peace process. Indeed, there is no indication that Marc Rich is a significant player in the Middle East peace process or that his pardon has had any role in the process. Even President Clinton's own Middle East envoy, Dennis Ross, stated that Rich "was not a factor in the Middle East talks." [7]

- **"Furthermore, [Rich's] main lawyer was Vice President Cheney's chief of staff [Lewis Libby] and they [conservative critics] tried to hide that."**

  It is true that Libby represented Marc Rich before he sought a pardon. However, it is telling that Clinton attempts to shift the focus to Libby given that his own White House Counsel, Jack Quinn, was so deeply involved in the pardon effort. Certainly, Libby's work on the Rich case raises none of the concerns raised by Jack Quinn's representation. After all, it was Jack Quinn, not Lewis Libby, who lobbied his former subordinates in the White House counsel's office on behalf of Marc Rich. It was Jack Quinn, not Lewis Libby, who likely violated ethical standards by lobbying his former colleagues. Finally, it was Jack Quinn, not Lewis Libby, who obtained the pardons for Marc Rich and Pincus Green.

  Moreover, President Clinton's claim that anyone tried to "hide" Libby's representation of Rich is nonsense. Libby voluntarily testified before the Committee and answered every question put to him. If anything, former President Clinton has repeatedly attempted to distort Libby's representation of Marc Rich. When he wrote his infamous column defending the Rich pardon, Presi-

[7] James Risen and Alison Leigh Cowan, *U.S. Diplomats Turned Aside Israeli Push on Rich's Behalf*, N.Y. TIMES, Feb. 17, 2001, at A1.

dent Clinton initially wrote that "the [pardon] applications were reviewed and advocated" by three prominent Republican attorneys: Leonard Garment, William Bradford Reynolds, and Lewis Libby.[8] This claim was completely false, as Libby, Garment, and Reynolds had absolutely no involvement in the pardon effort and had never reviewed, much less advocated, the Rich pardon. The President's staff corrected the column so that later editions of the *New York Times* stated that Libby, Garment, and Reynolds had "reviewed and advocated" the "case for the pardons."[9] Even the corrected version of the former President's column was misleading and intentionally overstated their involvement in the Rich case.

The former President fails to note that, while Libby deemed Rich a traitor, Libby had absolutely no involvement in the pardon process. This is a crucial distinction that should not be glossed over. Even a traitor is entitled to a legal defense, and therefore, agreeing to represent one is defensible. However, pardoning an unrepentant traitor is indefensible.

- **"I was very sensitive to prosecutorial abuse because I had seen it. I don't know that anyone is 100 percent aware of his motives. I don't think that's all bad for a president to be sensitive to any kind of abuse of power."**

  The former President's suggestion that Marc Rich was a victim of "prosecutorial abuse" is insulting to the numerous career Justice Department prosecutors who worked on the Marc Rich case. Marc Rich and Pincus Green were indicted after a painstaking investigation and after the Department obtained extensive documentary and testimonial evidence against Rich and Green. The Rich and Green case was reviewed by a number of prosecutors at Main Justice and the Southern District of New York, both Republicans and Democrats. President Clinton appointed one of these men to a federal judgeship and another became a high-level official at his Justice Department. It is implausible to think that these dozens of prosecutors engaged in systematic prosecutorial abuse against Marc Rich and Pincus Green for almost twenty years and that only Bill Clinton, over the objections of his own staff, was able to detect it. More important, it is telling that the former President would hear only from friends of Rich or his paid advocates. It displays a contempt for law enforcement and the Central Intelligence Agency that he would not even consider their views before accepting those of Rich's highly paid mouthpieces.

- **"Look, I'm not justifying the fugitive status. But if we can get a couple of hundred million dollars, whatever it is he allegedly owes, is it in the interests of the United States to recover from him the way we recovered from other people who violated these oil-pricing schemes?"**

  When the President of the United States pardons two unrepentant fugitives from justice, it is difficult to comprehend how he

[8] *Editors' Note*, N.Y. TIMES, Feb. 19, 2001, at A15.
[9] William J. Clinton, *My Reasons for the Pardons*, N.Y. TIMES, Feb. 18, 2001.

is not "justifying the fugitive status." He is sending the message that the United States is willing to grant the ultimate form of official forgiveness to two people who opted to flee the country and renounce their citizenship rather than face their legal responsibilities in a court of law. A series of experienced prosecutors in three different administrations decided that it was more important to send the message that the United States took its laws seriously than to collect a bit more money in the federal treasury. President Clinton should have followed their lead. Rather than reward billionaire fugitives by pardoning them and unsuccessfully attempting to fine them a "couple of hundred million dollars," he should have supported the professionals who had been working the case for nearly two decades by soliciting and listening to their advice.

- **Question: "Your brother and brother-in-law were basically selling access to you." Clinton: "I still don't know what the facts are, except that the evidence is I didn't grant anything [my brother] asked me to grant."**

  It is extraordinary that the President would claim that he does not "know what the facts are" regarding the clemency lobbying efforts of Roger Clinton, Hugh Rodham, and Tony Rodham. If it mattered to him, he could have asked his relatives the relevant questions. Moreover, there is substantial evidence that Roger Clinton discussed the cases of Rosario Gambino, Steven Griggs, Jay McKernan, and a number of other individuals with President Clinton. Similarly, there is evidence that Tony Rodham discussed Edgar and Vonna Jo Gregory with the President. President Clinton has never disclosed the content of those discussions, other than to repeat his representation that none of them successfully obtained grants of clemency. However, the President's answer fails to address the many questions about his knowledge and possible approval of Roger Clinton's efforts to sell his access to the President.

- **"I had no idea that [my brother-in-law] was involved in those two cases. Had I known it, I would have turned them down. I was just surprised and disappointed."**

  The President's denials of any knowledge that Hugh Rodham was involved on behalf of Carlos Vignali and Glenn Braswell should be viewed with some skepticism, given the inaccuracy of his other claims in this interview. However, even if the President's statements are true, they fail to address the obvious question of how individuals as undeserving as Vignali and Braswell received clemency. Moreover, the President did not address the refusal of Hugh Rodham to return more than $150,000 to the Vignalis. In February 2001, the President and First Lady demanded that Hugh Rodham return the $434,000 he was paid by Vignali and Braswell. Yet, Rodham returned only $280,000, keeping $154,000 of these fees.

II. COMMENTS BY INDIVIDUALS NAMED IN THE REPORT

A. Comments by Marc Rich attorney Peter Kadzik

On March 13, 2002, Peter Kadzik, an attorney with Dickstein Shapiro Morin & Oshinsky, wrote to "correct the factual inaccuracies" in the Committee's report.[10] Specifically, Kadzik took issue with the description of the Committee's efforts to obtain his testimony for the March 1, 2001, hearing regarding the Rich pardon. As described in the report, Kadzik boarded a plane for California despite the fact that the Committee had requested his testimony and, in fact, intended to issue a subpoena for his attendance at the hearing. Kadzik departed for California, apparently believing that the Committee would not be willing to force him to return to testify at the hearing. Kadzik was served a subpoena by a United States Marshal when he exited the plane and returned the same day so that he could testify at the hearing.

The central claim in Kadzik's letter of March 13, 2002, is that "at no point before I boarded an airplane to California on February 28, 2001, did any member of the Committee's staff inform me or any attorney with my firm that the Committee would subpoena me to attend the hearing." As I have explained in my response to Kadzik's letter, his claim is utterly false.[11] Between the time that Committee staff received notice on the evening of February 27, 2001, that Kadzik was declining to testify voluntarily and his departure for California at 11:00 a.m. on February 28, 2001, there were at least three separate communications between Committee staff and Kadzik's attorneys. First, Committee staff called his attorneys on the evening of February 27 to inform them that Kadzik would be required to attend the hearing. Then, on the morning of February 28, 2001, one of Kadzik's attorneys informed Committee staff that he was unable to accept service of a subpoena for Kadzik. Then, at 9:29 a.m. on February 28, Committee staff again informed one of Kadzik's attorneys that the Committee was issuing a subpoena for his attendance at the hearing and asked for Kadzik's flight number so that he could be served. It is troubling that Peter Kadzik would make a false assertion that is so easily disproved.

B. Comments by Hugh Rodham

On March 14, 2002, Nancy Luque, counsel for Hugh Rodham, sent a letter complaining about a number of conclusions in the Committee's report.[12] I have sent a response to Luque which refutes the claims in her letter.[13] Luque's letter makes a number of inaccurate statements and baseless assertions. For example, she objects to the report's conclusion that Rodham extended only "partial cooperation" to the Committee. Yet, Luque acknowledges that Rodham refused to discuss a number of issues relating to the Vignali case with the Committee and refused to participate in an

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[10] *See* Letter from Peter Kadzik, Partner, Dickstein Shapiro Morin & Oshinsky, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Mar. 13, 2002) (Exhibit 1).

[11] *See* Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Peter Kadzik, Partner, Dickstein Shapiro Morin & Oshinsky (Mar. 15, 2002) (Exhibit 2).

[12] Letter from Nancy Luque, Partner, Reed Smith, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Mar. 14, 2002) (Exhibit 3).

[13] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Nancy Luque, Partner, Reed Smith (Apr. 16, 2002) (Exhibit 4).

interview with Committee staff. As detailed in my response of April 16, 2002, Luque's other objections are as baseless as her claim that Rodham fully cooperated with the Committee.

C. Comments by former Parole Commission Chief of Staff Marie Ragghianti

On April 3, 2002, Elaine Mittleman, counsel for Marie Ragghianti, wrote the Committee to complain about the way the report portrayed Ragghianti's reaction to Roger Clinton's contacts with the U.S. Parole Commission on behalf of Rosario Gambino and the subsequent FBI investigation.[14] The bulk of the letter consists of quotations from the report which are presented in isolation and labeled conclusory, subjective, or an unwarranted assumption. In their original context, however, these excerpts are sound conclusions amply supported by citations to evidence. I responded extensively to her mischaracterizations in a letter to Mittleman on April 11, 2002.[15]

The most important factual claim in Mittleman's letter is that the report confuses the chronology of various FBI requests for Parole Commission assistance in its investigation of Roger Clinton. She disputes that the FBI's first request was to have a Parole Commission staff member introduce Roger Clinton to an undercover agent posing as another Commission staff member. In an effort to defend Ragghianti's opposition to this plan, which the report correctly identifies as the FBI's first plan, Mittleman claims that it was actually the FBI's "third or fourth" proposal. She argues that this purported factual error in the report obscures Ragghianti's true and legitimate motives for opposing the plan. Ironically, however, Mittleman attached documents to her letter that undermine her claim and support the report's chronology.[16] Many of the documents attached to Mittleman's letter had never before been produced to the Committee, prompting staff to inquire whether Ragghianti retained other documents in her personal possession relevant to the investigation of the Clinton-Gambino matter. After receiving representations that she did have additional relevant documents, the Committee notified Mittleman that the Committee would issue a subpoena to Ragghianti. Before receiving the subpoena, Ragghianti faxed 113 pages of documents to the Committee, most of which had not been produced by the Parole Commission. Those documents provided important new evidence and are discussed further below in Section IV. Despite requests, neither Mittleman nor Ragghianti has provided a written certification that the 113-page fax contained every document responsive to the subpoena.

In addition to seeking additional documents from Ragghianti, I posed five questions to her regarding the recently produced documents.[17] The questions were aimed at obtaining information about when Ragghianti first located the documents she recently produced, whether the Parole Commission could have produced the

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[14] Letter from Elaine J. Mittleman, Counsel for Marie Ragghianti, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 3, 2002) (Exhibit 5).

[15] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Elaine J. Mittleman, Counsel for Marie Ragghianti (Apr. 11, 2002) (Exhibit 6).

[16] *Id.* at 7–8.

[17] *Id.* at 1–2.

same documents, and why Ragghianti retained these documents in her personal possession after leaving the Commission. Rather than fully cooperate with the Committee by answering the questions candidly and forthrightly, Ragghianti provided a non-responsive submission through her counsel that quarreled with the questions rather than answering them. For example, in reply to the question, "When did you locate the documents responsive to the subpoena," Mittleman wrote, "[t]his question implies that there was an outstanding document request for the documents responsive to the subpoena."[18] Of course, regardless of whether the question implies what she claims, the reply does not even approach an answer to the question. Similarly, in response to two other questions about whether the newly produced documents had come from Commission files, Mittleman merely complained that the questions were not explicitly limited to Ragghianti's personal knowledge and did not "identify what files are considered to be 'Parole Commission files.'"[19] That Ragghianti cannot provide information of which she is unaware is simply an obvious truism that needs no explicit reference. Moreover, "Commission files" are, as anyone can deduce with minimal thought, files that were located in the Parole Commission offices and were produced in the course of Parole Commission business. This sort of hairsplitting appears to be nothing more than a fig leaf to cover Ragghianti's obvious unwillingness to answer the questions posed. Why she is unwilling to cooperate fully with the Committee's investigation is unclear, but it may be related to the reason she was unwilling to cooperate fully with the FBI's investigation, which is discussed further below.

D. Comments by Los Angeles County Sheriff Leroy Baca

On April 4, 2002, Steven Madison, counsel for Los Angeles County Sheriff Baca, submitted a lengthy letter complaining about the Committee report.[20] The report took issue with Sheriff Baca's role in the Vignali commutation, finding that he had a close relationship with Horacio Vignali based on Vignali's large financial contributions to Baca's campaigns. This relationship resulted in a conversation between Sheriff Baca and the White House in which he supported the commutation of Carlos Vignali. The report found Sheriff Baca's efforts on behalf of the Vignalis especially troubling because there were numerous law enforcement reports containing allegations that Horacio Vignali was involved in trafficking illegal drugs and, in fact, served as the source of cocaine for his son. The Committee was concerned with Sheriff Baca's failure to conduct any due diligence before he called the White House and his apparent ignorance of the serious allegations against Horacio Vignali.

Sheriff Baca made three main complaints about the report. First, he claimed that Committee procedures were unfair. Second, he claimed that he actually opposed clemency for Carlos Vignali. Third, the Sheriff suggested that he was unable to conduct any due diligence that would have led to the discovery of the allegations

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[18] Letter from Elaine J. Mittleman, Counsel for Marie Ragghianti, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform 2–3 (Apr. 15, 2002) (Exhibit 7).

[19] *Id.*

[20] Letter from Steven G. Madison, Partner, Quinn Emanuel Urquhart Oliver & Hedges, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 4, 2002) (Exhibit 8).

against Horacio Vignali. Each of the Sheriff's complaints is without merit, and I have responded to the complaints fully in a letter to Sheriff Baca's attorney.[21]

In my reply to Sheriff Baca, I posed a number of questions regarding his response to the Committee's report. His letter made it appear that the Sheriff somehow obtained certain draft pages of the report, which Committee staff had shared with a California law enforcement official to ensure that the report's discussion of the allegations against Horacio Vignali did not endanger any confidential informants. It appears that his discovery of these draft pages of the report led Sheriff Baca to return the political contributions he received from Horacio Vignali. Among other questions, I asked the Sheriff to explain how he learned that the Committee was going to discuss the allegations against Horacio Vignali in the report and how much of Vignali's money he had returned. Sheriff Baca has refused to answer these questions by the proscribed deadline. Therefore, I must conclude that he is now refusing to cooperate with the Committee's inquiry. I find his refusal to cooperate with a Congressional investigation almost as disturbing as his refusal to accept responsibility for his role in the Vignali clemency matter or his advocacy on behalf of an alleged drug dealer.

E. Public Comments by the Bush White House

While the Committee did not receive a direct response to its report from the Bush White House, a spokeswoman for the White House did provide a statement about it to *The New York Times*. Anne Womack responded to the report's criticism of the Bush Administration for failing to produce documents related to the Rosario Gambino matter, the release of which former President Clinton did not even seek to block. Womack said that "some unproduced files were highly sensitive and had yet to be formally requested by the Committee."[22] Anyone familiar with facts in this case would not have made that statement in good faith. The Committee "formally requested" in writing Gambino-related records from the National Archives. On March 8, 2001, the Committee requested "all records relating to any requests for clemency made by . . . Roger Clinton on behalf of any individual." On June 18, 2001, the Committee requested "all records relating to the consideration of an executive grant of clemency for Rosario Gambino." Contrary to Womack's claim, there were actually not one but two formal, written requests that covered the documents in question.

Moreover, the National Archives acknowledged these requests in writing. On August 2, 2001, the Archives said—in what it called its "final response" to our June 18th request—that "[p]ursuant to your prior discussions with the White House Counsel's Office, we are not providing four responsive [Gambino-related] documents . . . that contain internal Government deliberations." It is clear, however, that the requests were legally proper in form and should have been complied with. The Committee requested the records by letter rather than subpoena because a subpoena was unnecessary. Under the

[21] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Steven G. Madison, Partner, Quinn Emanuel Urquhart Oliver & Hedges (Apr. 12, 2002) (Exhibit 9).

[22] Alison Leigh Cowan, *Panel Says Top Justice Dept. Aide Held Information on Rich's Pardon*, N.Y. TIMES, Mar. 13, 2002, at A23.

Presidential Records Act, the Committee has statutory authority to have access to the records of a previous administration through the National Archives and without a subpoena.[23]

III. NEW INFORMATION ABOUT JACK QUINN'S FEE ARRANGEMENTS

The report left unresolved two issues regarding Jack Quinn's financial relationship with Marc Rich: (1) did Quinn expect Rich to pay him for his work on the pardon after leaving Arnold & Porter and (2) did Rich pay Quinn after the pardons were issued.[24] These questions were initially prompted by Jack Quinn's unbelievable claim that he worked on the Rich pardon without any expectation of payment and by the belated production of records that had been withheld from the Committee on claims of attorney-client and work product privileges for over a year. The records were produced in the aftermath of a court decision finding that those privilege claims were invalid. With regard to the first issue, the report detailed several newly produced e-mails indicating that Quinn was negotiating a retainer agreement with Marc Rich just before he began working on the pardon request. However, both Jack Quinn and Robert Fink refused to be interviewed regarding these e-mails. With regard to the second issue, some of the newly produced e-mails also indicated that, after the Committee's hearings, Quinn sought to enter a retainer agreement with Rich. Given Quinn's statements to the Committee that he would not accept any money from Rich for his work on the pardon effort, the mention of a post-pardon retainer agreement raised further questions. Once again, however, Quinn refused to be interviewed about these e-mails.

Since Quinn refused requests for a voluntary interview, the Committee issued a document subpoena to him on March 6, 2002, in an attempt to obtain some clarification of his financial arrangements with Marc Rich. On April 15, 2002, Quinn's attorneys produced a set of responsive documents and also provided a log of documents being withheld on claims of attorney work product and attorney-client privileges.[25] All of the withheld documents are described as "Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon."[26] It appears, therefore, that Quinn is engaged in additional legal work for Rich on other matters. Obviously, however, due to the assertions of privilege and Quinn's refusal to be interviewed, the precise nature of that work and the total size of Rich's payments to Quinn remain unknown.

The documents that were produced, however, may explain some of the e-mails regarding negotiations to enter a retainer agreement after the Committee's hearings on the Rich matter. Rich and Quinn apparently entered into a retainer and indemnification agreement sometime around March 6, 2001.[27] The agreement called for a payment by Marc Rich of $300,000 to retain Quinn to represent Rich "in connection with legal proceedings arising out of (but not in con-

[23] 44 U.S.C. § 2205(2)(c).

[24] *See generally,* Chapter One, Section II.D., "Quinn's Fee Arrangements."

[25] Letter from Victoria Toensing, Partner, diGenova & Toensing, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (Apr. 15, 2002) (Exhibit 10).

[26] *Id.*

[27] Jack Quinn Document Production JQC 00070–71 (Letter from Jack Quinn to Marc Rich (Mar. 6, 2001)) (Exhibit 11).

nection with efforts to secure) his pardon."[28] Under the terms of the agreement, Quinn provided Rich with monthly invoices detailing his time and expenses due to undertaking "unexpected additional legal work in defense of your pardon" to be drawn against the $300,000 retainer.[29] The agreement also retroactively covered Quinn's time and expenses, dating back to January 22, 2001. For January through March 2001, Quinn billed and received from Rich at least $128,100.[30] Throughout the rest of 2001, Quinn billed another $97,240.[31]

Although these documents provide a slightly better understanding of Quinn's fee arrangements with Rich, they do not explain Quinn's claim to have worked on the Rich pardon on a pro bono basis. Despite the evidence discussed in the report of detailed negotiations on a retainer agreement in the summer of 2000, Quinn refuses to answer any questions about the matter, apparently standing by his earlier claims that no agreement on his compensation was made before the pardons were granted. Moreover, the documents Quinn produced in April 2002 fail to resolve the issues raised by the e-mails regarding retainer discussions in 2000. The documents do explain the terms under which Quinn was reimbursed for his time, legal fees, and expenses incurred in 2001 as a result of the various investigations of the Rich pardon by Congressional committees and a New York grand jury. However, questions remain unanswered about the nature and extent of his other "unrelated" legal work for Rich due to his assertions of attorney-client privilege and his outright refusal to be interviewed by the Committee. Without Quinn's full cooperation, the complete picture of his financial relationship with Marc Rich remains unknown.

IV. NEW EVIDENCE REGARDING MARIE RAGGHIANTI'S EFFORTS TO PROTECT ROGER CLINTON

On April 9, 2002, former U.S. Parole Commission Chief of Staff Marie Ragghianti faxed to the Committee 113 pages of documents that had been in her personal possession since she left the Commission.[32] Most of the documents had not been previously provided to the Committee by the Parole Commission despite the fact that they appear to have been created in the course of Commission business. Therefore, copies should have been retained in Parole Commission files. Many of the documents provide a contemporaneous record of Ragghianti's opinion of the unfolding FBI investigation and thus shed new light on her motivations for opposing to full cooperation with the FBI. As a result, a new picture emerges, one that is less flattering to Ragghianti than the original.

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[28] *Id.*
[29] *Id.*
[30] Jack Quinn Document Production (2001 Billing Records for Marc Rich) (Exhibit 12).
[31] *Id.* at JQC 00107.
[32] Fax from Elaine J. Mittleman, Counsel for Marie Ragghianti, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 9, 2002) (Exhibit 13).

A. Factual Disputes Resolved by Newly Produced Documents

1. Ragghianti's Knowledge of Roger Clinton's Initial Attempts to Influence the Commission

The newly produced documents resolve two factual disputes. As discussed in my response to Ragghianti's counsel, one of the newly produced documents resolves a conflict between statements to Committee staff by Ragghianti and General Counsel Michael Stover.[33] Stover said he had provided a 1996 memo to Ragghianti about his first and only contact with Roger Clinton.[34] The memo, quoted extensively in the report, illustrated Roger Clinton's crude attempt to exert political pressure on Stover. Roger Clinton was attempting to arrange an improper meeting with a Commissioner to discuss the Gambino case. Clinton pressured Stover to arrange the meeting through repeated references to his brother's authority as President, explaining that President Clinton had suggested that Roger meet with a Commissioner. Stover said he had provided the document to Ragghianti, who had not been employed by the Commission in 1996, in an attempt to inform her of Clinton's past misconduct and dissuade her from meeting with Roger Clinton in the future. Marie Ragghianti, however, denied she had ever seen the memo until her July 2001 interview with Committee staff. [35] Her denial appears to be false, given her own words in a document recently produced to the Committee. The document is a 1998 draft e-mail from Ragghianti to deputy ethics officer Sharon Gervasoni. In it Ragghianti writes, "I suppose you are referring to my statement that I felt that Michael [Stover] had been 'gratuitously rude' to Roger [Clinton]—an inference I made based on a memo that I believe Michael S. wrote in a memo [sic] for the file[.]" [36] This statement establishes that Ragghianti had indeed seen the memo before and that it was the basis for her opinion about Stover having been "gratuitously rude" to Clinton. This evidence also contradicts her earlier claim that the basis of her statement about Stover being rude was something Chairman Michael Gaines had told her.

Ragghianti unequivocally denied she had ever seen the Stover memo. She said she was certain that if she had ever seen it, she would have remembered it.[37] Moreover, absent knowledge of Clinton's prior inappropriate efforts to exert political pressure, it would be somewhat understandable for staff to meet with him like any other member of the public. Accordingly, her denial that she ever saw the memo made the defense of her meetings with Clinton more plausible. Given these newly produced records, however, it appears that she was fully aware of Clinton's prior misconduct and, therefore, should have declined further meetings with him. Additionally, other conflicts between her versions of events and Stover's version

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[33] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Elaine J. Mittleman, Counsel for Marie Ragghianti n.1 (Apr. 11, 2002) (Exhibit 6).

[34] Chapter Two, Exhibit 42.

[35] *See* Chapter Two, n.230 and accompanying text.

[36] Marie Ragghianti Document Production (Draft e-mail from Marie Ragghianti, Chief of Staff, Parole Commission, to Sharon Gervasoni, Deputy Designated Agency Ethics Officer, Parole Commission (Sept. 23, 1998)) (Exhibit 14).

[37] Chapter Two, n.230.

of events should now be viewed in a new light, given Ragghianti's diminished credibility.

2. The Chronology of the FBI Requests for Assistance from the Commission

As the report explains, Ragghianti refused to grant the FBI's first request for assistance from the Commission: to have Tom Kowalski introduce Roger Clinton to an undercover agent posing as a Commission staffer at a meeting in a local restaurant. The report criticizes Ragghianti for opposing the undercover agent plan. In her response, Ragghianti's lawyer defended Ragghianti's opposition by claiming that the report had confused the chronology and thus misunderstood Ragghianti's motive. In Ragghianti's version of events, the undercover agent plan was not the FBI's first request but its "third or fourth," [38] and her motive for opposing it was merely a legitimate concern that the Commissioners had not approved it. Ragghianti claimed she was put in an awkward position. The Commissioners had instructed her not to discuss the FBI's investigation with them any further due to concerns that they might have to recuse themselves from making a decision in the Gambino case. Therefore, according to Ragghianti, when the FBI "revised" its request to include a restaurant meeting and an undercover agent, she could not approve the plan because she could neither seek guidance from the Commissioners nor allow involvement beyond what they had approved.

The documents Ragghianti produced, however, contradict nearly every aspect of her story and provide further evidence for the report's contention that the undercover agent plan was the first proposed by FBI. Moreover, the documents also provide new evidence that, in fact, the Commissioners had approved the undercover agent plan. Thus, in opposing it, Ragghianti was not carrying out the will of the Commissioners, but thwarting it. One document contradicting Ragghianti's story was attached to Mittleman's April 3, 2002, letter and is discussed in my reply.[39] Other documents produced on April 9, 2002, also undercut her story. For example, in Ragghianti's typewritten notes of a March 22, 1999, meeting with deputy ethics officer Sharon Gervasoni, she writes:

> I then recounted the events of Fri. afternoon, beginning with [Tom Kowalski's] report that RC had called him again, asking for an interview this week, and Tom's subsequent call to [FBI Special Agent] Jackie Dalrymple, his telling me afterward that they would be setting up a callback (to Roger) on Sat. which would result in a meeting at the Holiday Inn restaurant, Tom's wearing a body bug, etc. I told her what the *original scenario* had been (& also that I had personally *opposed* it—but that the [Commissioners] had voted 2 (for)-1 (abstention) that they would *not oppose* the Bureau's plan for Tom to introduce one of their agents as a member of our legal staff, etc.), and that the original plan did not include Tom's wearing a body bug. I also told

[38] Letter from Elaine J. Mittleman, Counsel for Marie Ragghianti, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform 13 (Apr. 3, 2002) (Exhibit 5).

[39] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Elaine J. Mittleman, Counsel for Marie Ragghianti 7–8 (Apr. 11, 2002) (Exhibit 6).

> her of my concerns that the Commission had not been given good legal advice re: its conduct of the entire affair, especially since [Michael Stover's] & my Fri. conversation with [Chief of Staff to the Deputy Attorney General Kevin Ohlsen and Associate Deputy Attorney General David Margolis] suggested that Margolis saw the Commission's responsibilities as I did, & not as Michael [Stover] did.
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> * * *
>
> I informed her that since Margolis's perception appeared to match my own, as far as the Commission's right to maintain its normal authority in directing its employee in the conduct of USPC business (without fear of obstruction accusations), I now felt that it was appropriate to instruct Tom that he should conduct any further business with Roger C. as he normally would, and that this did not appear to include a meeting at a local restaurant where he might introduce a Bureau agent as a member of our legal staff.[40]

This document provides further evidence that the FBI's original request was indeed to have an agent pose as a Commission staffer. Moreover, it establishes that the Commissioners had explicitly approved this plan by a vote of two-to-one and that, despite this explicit approval, Ragghianti instructed Commission staffer Tom Kowalski not to assist the FBI by introducing the undercover agent to Roger Clinton. Far from working conscientiously to implement the Commissioners' will as she has claimed, Ragghianti actually worked against it. She rationalized her determination to set aside the Commissioners' decision through a claim that the Commissioners "had not been given good legal advice" by the Commission's General Counsel, Michael Stover.[41] Ragghianti replaced the Commissioners' judgment with her own and vetoed the FBI's original plan, which the Commission had explicitly authorized. Her actions suggest a level of opposition to a legitimate law enforcement inquiry not contemplated in the report. In light of this new evidence, perhaps the report's rather neutral assessment of her motivations (that at best she was not objective) is too generous.

B. Ragghianti's Attitude Towards the FBI's Investigation of Roger Clinton

In reassessing Ragghianti's motivations, other newly produced documents are also useful in that they provide insight into Ragghianti's state of mind at the time of the FBI investigation. Several of the documents she recently produced contain her candid and contemporaneous thoughts about the unfolding FBI investigation in an emotionally laden, diary-like tone. They contain extraordinary expressions of affinity for Roger Clinton and a desire to inform the White House about the investigation. In one document, Ragghianti writes, "I have felt guilty about not telling the WH, however, from what I've seen, it would be easy to be accused of ob-

[40] Marie Ragghianti Document Production (Notes of Meeting with Sharon Gervasoni, Mar. 22, 1999) (Exhibit 15) (emphasis added).
[41] *Id.*

structing justice if I did."[42] As explained in my response to Ragghianti's attorney, it is disturbing that Ragghianti would not aspire to more than merely avoiding criminal obstruction. This statement illustrates that, remarkably, the only deterrence against her tipping-off the White House was indeed a fear of being held legally accountable if she did.

Ragghianti's counsel has argued that Ragghianti "worked diligently to facilitate the FBI investigation" and that she objected only "to the extent it did not interfere with or violate the Commission's normal conduct of business." The implication that Ragghianti's opposition to certain FBI requests was measured and limited is contradicted by a recently produced document in which Ragghianti described the circumstances leading to the recording of a conversation between Clinton and Tom Kowalski in Parole Commission offices. Her notes reflect that Ragghianti was against even this plan (a compromise from the FBI's original undercover agent plan). In discussing the FBI's compromise proposal with Tom Kowalski and Sharon Gervasoni, Ragghianti was reluctant to allow any surreptitious recording at all. Rather, she wanted Kowalski to simply place a recorder on the desk in front of Clinton. After being convinced by Kowalski and Gervasoni who made "as strong a case as possible," she wrote, "finally and agonizingly, I relented[.]"[43] She continued, "I hardly slept that night, and came in Tuesday morning, determined to call Margolis to clarify whether he had meant we should record the interview with RC openly or surreptitiously."[44] That Ragghianti would believe an open recording of Clinton would be of any benefit whatsoever to the FBI's investigation stretches credulity. According to her notes, Ragghianti did call Margolis, and he convinced her to allow the recording to occur. The argument he made that finally persuaded her, however, provides further insight into her motivations. She wrote:

> A recording, [Margolis] said, made it less likely that there would be any misunderstanding. He even said that a recording might be "fairer to RC"—in that it could get the entire matter resolved as soon as possible. (THIS got my attention, and rang true). He went on to say that otherwise, the whole thing "could linger forever—or indefinitely." And down the road, he said, who knows what may happen?
>
> * * *
>
> However, this discussion with him had persuaded me that I really had no recourse but to allow the recording to proceed, even though it made me very unhappy.[45]

On the morning the recording was to occur, Ragghianti appears to have interjected herself into the process by coaching Kowalski on

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[42] Marie Ragghianti Document Production (Notes for the File, Jan. 14, 1999) (Exhibit 16).
[43] Marie Ragghianti Document Production (Notes of Meeting with Sharon Gervasoni, Mar. 22, 1999) (Exhibit 15).
[44] *Id.* This document also contains yet another confirmation that the chronology in the report is correct. Ragghianti wrote, "[Michael Stover] had strongly supported the *original* plan (for Tom to introduce a Bureau agent as a member of our legal staff at a nearby restaurant, etc.)[.]" *Id.* (emphasis added).
[45] *Id.*

how to behave during the meeting. Her objective in doing so appears to have been to prevent any unguarded discussion of the kind the FBI wished to record. Describing her visit to Kowalski's office just before Clinton's scheduled arrival, Ragghianti wrote:

> I was disconcerted to find Jackie & Kevin [the FBI agents] in his office, because, as I've already said, I had no idea that they would be monitoring the visit with RC, installing microphones in the ceiling & desk, etc. (I thought Tom would simply place one of our little recorders in his desk drawer.) When I saw them, I was not at all happy, but kept it to myself[.]
>
> I felt that they were waiting for me to leave, and I was waiting for them to leave. But not wanting to do anything hostile, I made a decision to just go ahead & openly tell Tom what I had come to tell him, re: opening his mtg. with RC by saying this would be their last mtg., etc. & then referencing my October letter, etc. I emphasized once more that he should conduct the visit as he would normally conduct any interview, etc.
>
> Jackie then picked up a large black canvas shoulder bag and said I'll go get the car & meet you (Kevin) out front. I went out with her, but stopped at a nearby office, killing time & waiting for Kevin to leave. He didn't. Finally, I saw both Tom & Kevin standing at the window, obviously watching for RC's arrival. At that point, I went back into T's office, and said, "Now remember, Tom—business as usual!" And he answered, in a joking way (tho [sic] I knew he was serious), "Yes M'am!" I then left, and went up to watch & wait for RC.[46]

Following Ragghianti's attempt to influence the content of the meeting, she goes on to describe her activities during and after the meeting. After describing Clinton's arrival and her observations of the agents' movements, Ragghianti wrote:

> It became increasingly clear that [the agents] must be listening to the RC/Tom meeting from their car, & I was distraught, but helpless. At that point, all I could do was pray.
>
> After a seemingly interminable period of time, I decided to go see what I could see of Tom's office. I was so distraught that I absentmindedly went UP stairs (to the roof) instead of DOWNstairs where Tom's office is.[47]

In another document, Ragghianti describes her conversation with Kowalski. She wrote:

> Evidently, I arrived immediately following RC's exit, and immediately prior to Kevin & Jackie's return—I said, Tom—has he gone? And he said yes, he just left. I said how'd it go & he said—it went great, he didn't say anything out of line, it was just fine! I said thank God, are you

[46] *Id.*
[47] *Id.*

> sure? And he said, yes, he just said all the usual things—the things he's said before, and he didn't say anything unusual—was exactly like we thought it'd be. I was greatly relieved.[48]

After the recording,[49] Ragghianti was upset to learn that before the meeting between Kowalski and Clinton, the FBI agents had asked Kowalski to "offer to set up Roger with 'one of our analysts' by giving him a telephone number."[50] Kowalski told Ragghianti he had not done it and that "he figured they were probably annoyed."[51] Ragghianti wrote, "My private reaction was that I doubt they are as annoyed as I am at hearing that they asked for this, which was certainly not in the sphere of what they knew I had asked of Tom."[52] Ragghianti's comment demonstrates the detailed level of control she insisted on having over the FBI's requests and her animosity toward any attempt by the agents to enhance the Commission's level of cooperation. Why should this request have annoyed Ragghianti? If her concerns were merely to minimize Commission involvement and insulate the integrity of its decision-making function, then nothing about the agents' request should have been annoying at all. Since it would have redirected future contacts with Roger Clinton to the FBI rather than to the Commission, it would actually have alleviated Ragghianti's purported concerns.

These new documents clearly demonstrate not only the factual inaccuracies of Ragghianti's response to the Committee's report but also her unusual predisposition against the FBI's legitimate requests and toward protecting Roger Clinton from the potential consequences of his advocacy for Rosario Gambino.

[The exhibits referred to follow:]

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[48] Marie Ragghianti Document Production (Notes of Conversation with Jackie Dalrymple and Kevin O'Connell, Special Agents, Federal Bureau of Investigation, and Tom Kowalski, Case Operations Administrator, Parole Commission, Mar. 23, 1999) (Exhibit 17).

[49] As noted in the report, the Justice Department refused to produce to the Committee a transcript or a copy of the recorded meeting. However, Tom Kowalski did write a memo summarizing the meeting on the day it occurred, March 23, 1999. Curiously, this memo was not produced to the Committee by the Parole Commission but only recently by Marie Ragghianti. Marie Ragghianti Document Production (Memorandum from Thomas C. Kowalski to File, Mar. 23, 1999) (Exhibit 18).

[50] Marie Ragghianti Document Production (Notes of Meeting with Sharon Gervasoni, Mar. 22, 1999) (Exhibit 15).

[51] *Id.*

[52] *Id.*

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March 13, 2002

VIA FACSIMILE

Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burton:

I have briefly reviewed portions of the draft majority report entitled, "Justice Undone: Clemency Decisions in the Clinton White House." At page 166 of that report, there purports to be a description of the Committee's efforts to obtain my testimony last year. This letter is to correct the factual inaccuracies in that description.

First, and most importantly, at no point before I boarded an airplane to California on February 28, 2001, did any member of the Committee's staff inform me or any attorney with my firm that the Committee would subpoena me to attend the hearing.

Prior to receipt of your letter of February 26, 2001, it was totally unclear whether my testimony would even be requested. Indeed, my appearance was at that time contingent upon whether the testimony of I. Lewis Libby would be sought by the minority.

Moreover, your letter of February 26 still simply requested my testimony and made no mention of a subpoena. My response of February 27, which was sent to the Committee prior to 7:40 pm (contrary to the assertion in the majority report), reiterated my willingness to voluntarily appear before the Committee. It stated:

> I intend to fully cooperate with the Committee's efforts. I will return to Washington next week and am willing to meet with you or your staff at a mutually convenient time.

As I stated in my testimony, I was in my office until 9:00 pm that evening, received no response and, consequently, left for California the next morning to proceed with my business appointments.

I reiterate – at no time before I boarded the airplane for California was either I, or any attorney at my firm, advised that I would be subpoenaed to attend the hearing. At

EXHIBIT
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PENGAD-Bayonne,NJ

no time did I attempt to avoid compulsory process and, in fact, I offered in writing to appear voluntarily. I respectfully request that the above-referenced inaccuracies be corrected prior to consideration of the majority report.

Sincerely,

Peter J. Kadzik

PJK/prb

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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INDEPENDENT

March 15, 2002

Peter Kadzik, Esq.
Dickstein, Shapiro, Morin & Oshinsky, L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037

Dear Mr. Kadzik:

I write in response to your letter of March 13, 2002.

In its recent report regarding the Marc Rich matter, the Committee was critical of your attempt to avoid testifying at the Committee's March 1, 2001, hearing. In your letter, you take issue with the Committee's report, and claim that "at no time before I boarded the airplane for California was either I, or any attorney at my firm, advised that I would be subpoenaed to attend the hearing." Your claim is inaccurate. Our records indicate that on the evening of February 27, 2001, after the receipt of your letter declining to testify,[1] Committee staff called your attorneys to inform them that you would be required to attend the Committee's hearing. On the morning of February 28, 2001, your attorneys left a message informing Committee staff that they were not able to accept service of the subpoena on your behalf. The fact that your attorneys declined to accept service itself proves that they were aware that the Committee was attempting to subpoena you to appear at the hearing.

At 9:29 a.m. on February 28, 2001, Committee staff again informed one of your attorneys that the Committee was issuing a subpoena for your attendance at the hearing. Committee staff also asked your attorney to provide your flight number so that you could be subpoenaed upon your arrival in California. The Committee was later informed that you took United Airlines flight 239 from Dulles Airport to San Francisco. According to United Airlines, flight 239 was scheduled to leave Dulles at 11:00 a.m., and was scheduled to land in San Francisco at 1:52 p.m. (you were served at 1:58 p.m.). Therefore, contrary to your assertions, your attorneys were informed at least twice before your departure on the morning of February 28 that you would be subpoenaed to attend the Committee's hearing. Perhaps more important, your attorneys were aware that the Committee wanted your testimony and you decided to leave Washington without having a telephone conversation with me or Committee staff.

[1] I have attached a copy of your letter, which is time-stamped as being faxed at 7:41 p.m. on February 27, 2001, contrary to the assertion in your letter.

FENGAO-Bayonne,N.J.
EXHIBIT
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Given these facts, it is clear that the Committee report accurately reflects your effort to avoid testifying at the Committee's March 1, 2001, hearing, and that your March 13, 2002, letter is without basis. I am disappointed that you have attempted to misrepresent the facts. Nevertheless, I will include your letter and my response in the Appendix to the Committee's report when it is printed.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

ReedSmith

Nancy Luque • [redacted]

March 14, 2002

VIA FACSIMILE

Dan Burton, Chairman
Committee on Government Reform
House of Representatives
Congress of the United States
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Mr. Chairman:

There are a number of demonstrably false and misleading statements in the referenced report, authored by Government Reform Committee majority staff, regarding my client, Hugh Rodham time does not permit the compilation of an exhaustive list but, as it would appear that 18 U.S.C. § 1001 (c)(2) applies to staff members who communicate false information to Congress, it is in everyone's interest that the following material false statements concerning Mr. Rodham's cooperation with the Committee be corrected:

- **Under the heading "Failure of Key Parties to Cooperate in the Hugh Rodham Investigation," the report falsely indicates that Mr. Rodham "extended only partial cooperation to the Committee" (page 77).**

  Please review the correspondence between the staff and counsel for Mr. Rodham; with the exception of matters related to Mr. Vignali, Mr. Rodham, through counsel, answered each and every question posed to him.

- **Mr. Rodham "made a blanket invocation of the [attorney-client] privilege" to "refuse[ ]" to produce Carlos Vignali's records and to discuss his case "even though the privilege does not apply to the vast majority of Rodham's activities. For example, Rodham's contacts with third parties, like White House staff, are not covered by the attorney-client privilege...by using the attorney-client privilege..." Mr. Rodham "[sought] to avoid questions about his activities rather than to protect any legitimately privileged information" (at pages 46 and 77).**

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3
FENGHO-Bpmmer,N.J.

Formed in the Commonwealth of Pennsylvania
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Please review the attached letter which indicates that Mr. Rodham declined to discuss Mr. Vignali *pursuant to Mr. Vignali's request*, and its accompanying citation to the District of Columbia Rule of Professional Responsibility 1.6, also attached. Further, Mr. Rodham *did* respond to questions that did not implicate the privilege, where it was ethical for him to have done so. *For Example*, in *my* letter to the committee dated February 28, 2001, I *specifically* answered questions about Mr. Rodham's 'contacts with third parties' at his direction.

Further, the following unsupported and unsupportable false assertions and implications should be deleted from the Committee report:

- **"Rodham repeatedly provided false information during his communications with the White House" regarding Mr. Vignali (page 3); and "[d]espite Hugh Rodham's efforts to mislead..." (page 49).**

  To the extent the report implies that Mr. Rodham *knowingly* provided false information to anyone, it is absolutely false. Mr. Rodham was entitled to rely on Mr. Vignali's pardon application which indicated no prior record, particularly in light of the fact that he did not have the means (e.g. access to NCIC) to investigate Mr. Vignali's criminal history. Further, Mr. Vignali did *not* play a "major role in the offense" according to the judge who sentenced him (see U.S. Sentencing Guidelines).

- **Under the heading "Hugh Rodham's Invocation of First Lady Hillary Clinton," the Report cites a "note" indicating that "*this* is very important to [Mr.Rodham] and the First Lady," with no indication of what "this" is, and further the report claims that the "note leaves (sic) only two possibilities: (1) that Hugh Rodham indeed told Hillary Clinton about his efforts on behalf of Carlos Vignali and that Hillary Clinton was not being candid when she stated [otherwise]; or (2) Hugh Rodham was lying when he [said] that the Vignali case was "very important" to the First Lady" (page 57).**

  Both Mr. Rodham and Senator Clinton have stated repeatedly and truthfully that they did not discuss Mr. Vignali (or Mr. Braswell), or the fact that Mr. Rodham was representing individuals seeking clemency. Nor did Mr. Rodham tell anyone that *Mr. Vignali* was important to Sen. Clinton. The report writer jumps to erroneous conclusions in order to falsely accuse Mr. Rodham (or Senator Clinton) of lying.

- **Citing to *press reports*, the Committee report speculates that Mr. Rodham discussed the pardons with President Clinton (page 72), and that the President was aware Mr. Rodham was representing Mr. Braswell.**

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Such speculation is not only pure fiction, it is irresponsible to insinuate, without a shred of proof, that President Clinton *and* Mr. Rodham have lied about the matter. *They did not discuss the matter, period.*

- **In addition, the section of the report entitled "Hugh Rodham's Efforts to Obtain Clemency for the Lums" at pages 74-77 is wholly inaccurate, and falsely implies that Mr. Rodham has "refused" to answer questions about his "representation" of the Lums.**

  To the contrary, Mr. Rodham informed the Committee staff of the names of those individuals he represented and, by implication, those who he did not represent: Mr. Rodham did not represent the Lums nor did he "lobby" on their behalf. Moreover, the report's fleeting references to monies paid "by Rodham to the Lums" is not only incomprehensible, but clearly irrelevant to any claim that *he represented them*.

Finally, I never told *anyone* that Mr. Rodham had "no plans to return the remaining $154,000 to Vignali," (page 63) and that quote is patently false.

As noted above, because I had only twenty-four hours to review the report, the above is not an exhaustive list of inaccuracies. I would be pleased to discuss the additional errors, including those that relate to the merits of Messr.'s Braswell and Vignali's pardons, with committee staff.

I look forward to a reply and/or to receiving a corrected Committee report.

Sincerely,

Nancy Luque

cc: Hugh Rodham
The Honorable Henry A. Waxman, Ranking Minority Member

(4) WHEN THE LAWYER HAS REASONABLE GROUNDS FOR BELIEVING THAT A CLIENT HAS IMPLIEDLY AUTHORIZED DISCLOSURE OF A CONFIDENCE OR SECRET IN ORDER TO CARRY OUT THE REPRESENTATION; OR

(5) TO THE MINIMUM EXTENT NECESSARY IN AN ACTION INSTITUTED BY THE LAWYER TO ESTABLISH OR COLLECT THE LAWYER'S FEE.

(e) A LAWYER SHALL EXERCISE REASONABLE CARE TO PREVENT THE LAWYER'S EMPLOYEES, ASSOCIATES, AND OTHERS WHOSE SERVICES ARE UTILIZED BY THE LAWYER FROM DISCLOSING OR USING CONFIDENCES OR SECRETS OF A CLIENT, EXCEPT THAT SUCH PERSONS MAY REVEAL INFORMATION PERMITTED TO BE DISCLOSED BY PARAGRAPHS (c) or (d).

(f) THE LAWYER'S OBLIGATION TO PRESERVE THE CLIENT'S CONFIDENCES AND SECRETS CONTINUES AFTER TERMINATION OF THE LAWYER'S EMPLOYMENT.

(g) THE OBLIGATION OF A LAWYER UNDER PARAGRAPH (a) ALSO APPLIES TO CONFIDENCES AND SECRETS LEARNED PRIOR TO BECOMING A LAWYER IN THE COURSE OF PROVIDING ASSISTANCE TO ANOTHER LAWYER.

(h) FOR PURPOSES OF THIS RULE, A LAWYER WHO SERVES AS A MEMBER OF THE D.C. BAR LAWYER COUNSELING COMMITTEE, OR AS A TRAINED INTERVENOR FOR THAT COMMITTEE, SHALL BE DEEMED TO HAVE A LAWYER-CLIENT RELATIONSHIP WITH RESPECT TO ANY LAWYER-COUNSELEE BEING COUNSELED UNDER PROGRAMS CONDUCTED BY OR ON BEHALF OF THE COMMITTEE. INFORMATION OBTAINED FROM ANOTHER LAWYER BEING COUNSELED UNDER THE AUSPICES OF THE COMMITTEE, OR IN THE COURSE OF AND ASSOCIATED WITH SUCH COUNSELING, SHALL BE TREATED AS A CONFIDENCE OR SECRET WITHIN THE TERMS OF PARAGRAPH (b). SUCH INFORMATION MAY BE DISCLOSED ONLY TO THE EXTENT PERMITTED BY THIS RULE.

(i) FOR PURPOSES OF THIS RULE, A LAWYER WHO SERVES AS A MEMBER OF THE D.C. BAR LAWYER PRACTICE ASSISTANCE COMMITTEE, OR A STAFF ASSISTANT, MENTOR, MONITOR OR OTHER CONSULTANT FOR THAT COMMITTEE, SHALL BE DEEMED TO HAVE A LAWYER-CLIENT RELATIONSHIP WITH RESPECT TO ANY LAWYER-COUNSELEE BEING COUNSELED UNDER PROGRAMS CONDUCTED BY OR ON BEHALF OF THE COMMITTEE. COMMUNICATIONS BETWEEN THE COUNSELOR AND THE LAWYER BEING COUNSELED UNDER THE AUSPICES OF THE COMMITTEE, OR MADE IN THE COURSE OF AND ASSOCIATED WITH SUCH COUNSELING, SHALL BE TREATED AS A CONFIDENCE OR SECRET WITHIN THE TERMS OF PARAGRAPH (b). SUCH INFORMATION MAY BE DISCLOSED ONLY TO THE EXTENT PERMITTED BY THIS RULE. HOWEVER, DURING THE PERIOD IN WHICH THE LAWYER-COUNSELEE IS SUBJECT TO A PROBATIONARY OR MONITORING ORDER OF THE COURT OF APPEALS OR THE BOARD ON PROFESSIONAL RESPONSIBILITY IN A DISCIPLINARY CASE INSTITUTED PURSUANT TO RULE XI OF THE RULES OF THE COURT OF APPEALS GOVERNING THE BAR, SUCH INFORMATION SHALL BE SUBJECT TO DISCLOSURE IN ACCORDANCE WITH THE ORDER.

(j) THE CLIENT OF THE GOVERNMENT LAWYER IS THE AGENCY THAT EMPLOYS THE LAWYER UNLESS EXPRESSLY PROVIDED TO THE CONTRARY BY APPROPRIATE LAW, REGULATION, OR ORDER.

COMMENT:

[1] The lawyer is part of a judicial system charged with upholding the law. One of the lawyer's functions is to advise clients so that they avoid any violation of the law in the proper exercise of their rights.

[2] The observance of the ethical obligation of a lawyer to hold inviolate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance.

[3] Almost without exception, clients come to lawyers in order to determine what their rights are and what is, in the maze of laws and regulations, deemed to be legal and correct. The common law recognizes that the client's confidences must be protected from disclosure. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.

[4] A fundamental principle in the client-lawyer relationship is that the lawyer holds inviolate the client's secrets and confidences. The client is thereby encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter.

Relationship Between Rule 1.6 and Attorney-Client Evidentiary Privilege and Work Product Doctrine

[5] The principle of confidentiality is given effect in two related bodies of law: the attorney-client privilege and the work product doctrine in the law of evidence and the rule of confidentiality established in professional ethics. The attorney-client privilege and the work product doctrine apply in judicial

Disclosure Adverse to Client

[12] The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious harm to another person. However, to the extent a lawyer is required or permitted to disclose a client's purposes, the client will be inhibited from revealing facts that would enable the lawyer to counsel against a wrongful course of action. The public is better protected if full and open communication by the client is encouraged than if it is inhibited. Nevertheless, when the client's confidences or secrets are such that the lawyer knows or reasonably should know that the client or any other person is likely to kill or do substantial bodily injury to another unless the lawyer discloses client confidences or secrets, the lawyer may reveal the client's confidences and secrets if necessary to prevent harm to the third party.

[13] Several situations must be distinguished.

[14] First, the lawyer may not counsel or assist a client to engage in conduct that is criminal or fraudulent. *See* Rule 1.2(e). Similarly, a lawyer has a duty not to use false evidence of a nonclient and may permit introduction of the false evidence of a client only in extremely limited circumstances in criminal cases when the witness is the defendant client. *See* Rule 3.3(a)(4) and (b). This Rule is essentially a special instance of the duty prescribed in Rule 1.2(e) to avoid assisting a client in criminal or fraudulent conduct.

[15] Second, the lawyer may have been innocently involved in past conduct by the client that was criminal or fraudulent. In such a situation the lawyer has not violated Rule 1.2(e), because to "counsel or assist" criminal or fraudulent conduct requires knowing that the conduct is of that character.

[16] Third, the lawyer may learn that a client intends prospective conduct that is criminal and likely to result in death or substantial bodily harm unless disclosure of the client's intentions is made by the lawyer. As stated in paragraph (c), the lawyer has professional discretion to reveal information in order to prevent such consequences. The lawyer may make a disclosure in order to prevent homicide or serious bodily injury which the lawyer reasonably believes is intended by a client. The "reasonably believes" standard is applied because it is very difficult for a lawyer to "know" when such a heinous purpose will actually be carried out, for the client may have a change of mind.

[17] The lawyer's exercise of discretion in determining whether to make disclosures that are reasonably likely to prevent the death or substantial bodily injury of another requires consideration of such factors as the client's tendency to commit violent acts or, conversely, to make idle threats. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to the purpose. A lawyer's decision not to take preventive action permitted by subparagraph (c)(1) does not violate this Rule.

Withdrawal

[18] If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in Rule 1.16(a)(1). If the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent, or if the client has used the lawyer's services to perpetrate a crime or a fraud, the lawyer may (but is not required to) withdraw, as stated in Rule 1.16(b)(1) and (2).

[19] After withdrawal under either Rule 1.16(a)(1) or Rule 1.16(b)(1) or (2), the lawyer is required to refrain from making disclosure of the client's confidences, except as otherwise provided in Rule 1.6. Giving notice of withdrawal, without elaboration, is not a disclosure of a client's confidences and is not proscribed by this Rule or by Rule 1.16(d). Furthermore, a lawyer's statement to a court that withdrawal is based upon "irreconcilable differences between the lawyer and the client," as provided under paragraph [3] of the Comment to Rule 1.16, is not elaboration. Similarly, after withdrawal under either Rule 1.16(a)(1) or Rule 1.16(b)(1) or (2), the lawyer may retract or disaffirm any opinion, document, affirmation, or the like that contains a material misrepresentation by the lawyer that the lawyer reasonably believes will be relied upon by others to their detriment.

[20] Where the client is an organization, the lawyer may be in doubt whether contemplated conduct will actually be carried out by the organization. Where necessary to guide conduct in connection with this Rule, the lawyer may make inquiry within the organization. *See* Comment to Rule 1.13.

Dispute Concerning Lawyer's Conduct

[21] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Charges, in defense of which a lawyer may disclose client confidences and secrets, can arise in a civil, criminal, or professional disciplinary proceeding, and can be based on a wrong allegedly committed by the lawyer against the client, or on a wrong alleged by a third person; for example, a person claiming to have been defrauded by the lawyer and client acting together.

[22] The lawyer may not disclose a client's confidences or secrets to defend against informal allegations made by third parties; the Rule allows disclosure only if a third party has formally instituted a civil, criminal, or disciplinary action against the lawyer. Even if the third party has formally instituted such a proceeding, the lawyer should advise the client of the third party's action and request that the client respond appropriately, if this is practicable and would not be prejudicial to the lawyer's ability to establish a defense.

criminal statutes such as those dealing with embezzlement. In order for those who are providing counseling services to evaluate properly the lawyer-counselee's problems and enhance the prospects for rehabilitation, it is necessary for the counselors to receive completely candid information from the lawyer-counselee. Such candor is not likely if the counselor, for example, would be compelled by Rule 8.3 to report the lawyer-counselee's conduct to Bar Counsel, or if the lawyer-counselee feared that the counselor could be compelled by prosecutors or others to disclose information.

[31] It is similarly in the interest of the public to encourage lawyers to seek the assistance of the D.C. Bar's Lawyer Practice Assistance Committee to address management problems in their practices. In order for those who are providing counseling services through the Lawyer Practice Assistance Committee to evaluate properly the lawyer-counselee's problems and enhance the prospects for self-improvement by the counselee, paragraph (i) adds a provision addressing the confidentiality obligations of lawyers who are assisting in the counseling programs of the Lawyer Practice Assistance Committee.

[32] These considerations make it appropriate to treat the lawyer—counselee relationship as a lawyer-client relationship, and to create an additional limited class of information treated as secrets or confidences subject to the protection of Rule 1.6. The scope of that information is set forth in paragraph (h) and (i). The lawyer-client relationship is deemed to exist only with respect to the obligation of confidentiality created under Rule 1.6, and not to obligations created elsewhere in these Rules, including the obligation of zealous representation under Rule 1.3 and the obligation to avoid conflicts of interest set forth in Rules 1.7 and 1.9. The obligation of confidentiality extends to non-lawyer assistants of lawyers serving the committee. See Rule 5.1.

[33] Notwithstanding the obligation of confidentiality under paragraph (i), during the period in which a lawyer-counselee is subject to a probationary or monitoring order of the Court of Appeals or the Board on Professional Responsibility in a disciplinary case instituted pursuant to Rule XI of the Rules of the Court of Appeals Governing the Bar, communications between the counselor and the lawyer being counseled under the auspices of the Lawyer Practice Assistance Committee shall be subject to disclosure in accordance with an Order of the Court or the Board, since the participation of the lawyer-counselee in the programs of the committee in such circumstances is not voluntary.

[34] Ethical rules established by the District of Columbia Court of Appeals with respect to the kinds of information protected from compelled disclosure may not be accepted by other forums or jurisdictions. Therefore, the protections afforded to lawyer-counselees by paragraphs (h) and (i) may not be available to preclude disclosure in all circumstances. Furthermore, lawyers who are members of the bar of other jurisdictions may not be entitled under the ethics rules applicable to members of the bar in such other jurisdictions, to forgo reporting violations to disciplinary authorities pursuant to the other jurisdictions' counterparts to Rule 8.3.

Government Lawyers

[35] Subparagraph (d)(2) was revised, and paragraph (i) was added, to address the unique circumstances raised by attorney-client relationships within the government.

[36] Subparagraph (d)(2)(A) applies to both private and government attorney-client relationships. Subparagraph (d)(2)(B) applies to government lawyers only. It is designed to permit disclosures that are not required by law or court order under Rule 1.6(d)(2)(A), but which the government authorizes its attorneys to make in connection with their professional services to the government. Such disclosures may be authorized or required by statute, executive order, or regulation, depending on the constitutional or statutory powers of the authorizing entity. If so authorized or required, subparagraph (d)(2)(B) governs.

[37] The term "agency" in paragraph (i) includes, inter alia, executive and independent departments and agencies, special commissions, committees of the legislature, agencies of the legislative branch such as the General Accounting Office, and the courts to the extent that they employ lawyers (e.g., staff counsel) to counsel them. The employing agency has been designated the client under this rule to provide a commonly understood and easily determinable point for identifying the government client.

[38] Government lawyers may also be assigned to provide an individual with counsel or representation in circumstances that make clear that an obligation of confidentiality runs directly to that individual and that subparagraph (d)(2)(A), not (d)(2)(B), applies. It is, of course, acceptable in this circumstance for a government lawyer to make disclosures about the individual representation to supervisors or others within the employing governmental agency so long as such disclosures are made in the context of, and consistent with, the agency's representation program. *See, e.g.*, 28 C.F.R. §§ 50.15 and 50.16. The relevant circumstances, including the agreement to represent the individual, may also indicate the extent to which the individual client to whom the government lawyer is assigned will be deemed to have granted or denied consent to disclosures to the lawyer's employing agency. Examples of such representation include representation by a public defender, a government lawyer representing a defendant sued for damages arising out of the performance of the defendant's government employment, and a military lawyer representing a court-martial defendant.

RULE 1.7 CONFLICT OF INTEREST: GENERAL RULE

(a) A LAWYER SHALL NOT ADVANCE TWO OR MORE ADVERSE POSITIONS IN THE SAME MATTER.

(b) EXCEPT AS PERMITTED BY PARAGRAPH (c)

DAN BURTON, INDIANA,
CHAIRMAN

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 16, 2002

Nancy Luque, Esq.
Reed Smith L.L.P.
1301 K Street, N.W.
Suite 1100 – East Tower
Washington, D.C. 20005

Dear Ms. Luque:

I write in response to your letter of March 14, 2002. In your letter, you take issue with a number of statements about your client, Hugh Rodham, in the Committee's recent report regarding President Clinton's grants of clemency. You claim that there are "a number of demonstrably false and misleading statements" in the report and ask for a number of "corrections." However, your letter fails to point out any false statements. Accordingly, no changes will be made to the report.

1. Mr. Rodham's Failure to Cooperate

You first claim that "the report falsely indicates that Mr. Rodham 'extended only partial cooperation to the Committee.'" You base your charge on the fact that "with the exception of matters related to Mr. Vignali, Mr. Rodham, through counsel, answered each and every question posed to him." However, the Committee acknowledges in its report that you answered questions on behalf of Mr. Rodham. Nonetheless, more important, Mr. Rodham refused to participate in an interview with the Committee and refused to provide the Committee with records about the Vignali matter. Accordingly, his cooperation with the Committee can at best be described as it was in the report, as "partial." Given Mr. Rodham's failure to discuss fully his work on the Vignali case — work for which he was paid over $200,000 — it is fair to note that Mr. Rodham did not fully cooperate with the Committee.

2. Mr. Rodham's Invocation of Privilege

The report points out that Mr. Rodham invoked attorney-client privilege over all of his records pertaining to the Vignali matter. Your letter does not dispute this fact, but only points out that Mr. Rodham withheld the records based on a request from Mr. Vignali. The fact that Mr. Vignali made the request, however, does not have any bearing on whether or not the records are the subject of a legitimate claim of attorney-client privilege.

PENGAD-Bayonne, N.J.
EXHIBIT
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3. Mr. Rodham's Communications with the White House

The report also points out that Mr. Rodham repeatedly provided the White House with false and misleading information regarding the Vignali case. Your letter does little to dispute that, other than claim that Mr. Rodham never did so knowingly. With respect to Carlos Vignali's criminal history, you suggest that Mr. Rodham was entitled to "rely on Mr. Vignali's pardon [sic] application which indicated no prior record, particularly in light of the fact that he did not have the means (e.g. access to NCIC) to investigate Mr. Vignali's criminal history." Your claim is odd, however, because Mr. Vignali's petition for commutation lists two prior convictions. If Mr. Rodham had read all of the pardon petition — as one might expect given the $200,000 fee paid to him — he would have seen that Mr. Vignali was not a first-time offender. Furthermore, you presumably had access to the document which states that Mr. Vignali had two prior convictions at the same time you were repeating Mr. Rodham's false assertions.

You also take issue with the report's conclusions regarding a note taken by Dawn Woollen which states: "Hugh says this is very important to him and the First Lady as well as others. Sheriff Baca from LA is more than happy to speak with you about him but is uncomfortable writing a letter offering his full support." Your letter seems to suggest that there is some doubt that the Woollen note refers to the Vignali matter. Such a claim is completely without merit. As the first page of the exhibit makes clear, the Woollen note was located in Bruce Lindsey's file about the Vignali matter. In addition, the second sentence of the note, which makes reference to Sheriff Lee Baca, also makes it clear that Woollen was referring to a discussion she had with Mr. Rodham about the Vignali matter. While the First Lady has denied discussing the Vignali case with Mr. Rodham, and Mr. Rodham has denied making the statement indicated in the Woollen note, there is no other plausible explanation for the note other than that either Mrs. Clinton or Mr. Rodham is not being candid.

Finally, you claim that the report speculates that Mr. Rodham discussed the pardons with President Clinton. The relevant passage from the report reads as follows:

> Despite the huge reward for success, his close relationship with the President, and his living in the White House, Rodham claims he never discussed either Braswell or Vignali with President Clinton or Hillary Clinton. However, the small circle of aides advising the former President admit that Clinton and Rodham may have had private discussions to which staffers were not privy.[1]

It seems that the passage you find so objectionable is merely a statement of the obvious. Furthermore, it is confirmation by Presidential advisors that they believed that the President may have been approached by Mr. Rodham. While I appreciate your assurance that the President and Mr. Rodham did not discuss the pardons, it obviously does not foreclose the possibility that such discussions took place without your knowledge. Certainly, if Mr. Rodham were prepared to

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[1] Report, Chapter 3, page 72 (citing Christopher Marquis and Michael Moss, *A Clinton In-law Received $400,000 in 2 Pardon Cases*, N.Y. TIMES, Feb. 22, 2001, at A1).

misrepresent that Carlos Vignali had no prior convictions, that the trial attorney who prosecuted Mr. Vignali in Minnesota supported the commutation, and that Mr. Vignali "did not play a major role in the offense," he would have no additional incentive to provide accurate information regarding this issue.

4. The Lums' Payment to Mr. Rodham

You also claim that the section of the report dealing with Mr. Rodham's efforts on behalf of the Lums is "wholly inaccurate." However, the only support offered for your conclusion is your statement that "the report's fleeting references to monies paid 'by Rodham to the Lums' is [sic] not only incomprehensible, but clearly irrelevant to any claim that he represented them." However, your criticism is invalid because it refutes an argument the report does not make. The report does not, as you imply, claim that money paid by Mr. Rodham to the Lums is evidence of his representation of them. Rather, the report cites a $20,420 payment from Mr. Rodham to Nicole Lum solely as evidence of a business relationship between Mr. Rodham and the Lums. Your argument also fails to consider evidence set forth in the report that Hugh Rodham took affirmative steps to benefit the Lums, specifically: (1) Nora Lum asked her husband's criminal attorney to send various documents to Mr. Rodham at the White House; (2) Mr. Rodham called Gene Lum's attorney again and asked him to resend those documents directly to an associate White House counsel responsible for clemency matters; and (3) Mr. Rodham called that associate counsel and talked about the prospects of obtaining clemency for the Lums.[2]

5. Mr. Rodham's Failure to Refund Clemency-Related Fees

Finally, you claim that you "never told anyone that Mr. Rodham had 'no plans to return the remaining $154,000 to [Horacio] Vignali[.]'" Your recollection on this point, however, is different from that of Committee staff. Perhaps more important, Mr. Rodham has not refunded the remaining $154,000 of the fee he was paid by the Vignalis. You can best clarify any remaining confusion on this point by informing the Committee when Mr. Rodham plans to return the remaining $154,000 to the Vignalis.

While I welcome your comments on the report, I am disturbed that you would make so many baseless and plainly inaccurate statements in your letter. The claim at the beginning of your letter, insinuating that Committee staff have violated 18 U.S.C. § 1001 by making false statements in the report, is particularly unfortunate given the numerous false statements in your letter. I will include your letter and my response in the Committee's report.

Sincerely,

Dan Burton
Chairman

[2] *See* Report, Chapter 3, pages 5-6, 75-77.

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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FACSIMILE TRANSMISSION

Date: April 3, 2002

To: Name	**Fax. No.**	**Phone No.**
David Kass Deputy Chief Counsel	(202) 225-3974	

Re: Marie Ragghianti's Response to the Report about Presidential Pardons

Number of Pages, including cover: 53

Message: David - Attached is the response prepared on behalf of Marie Ragghianti to the Committee Report, "Justice Undone: Clemency Decisions in the Clinton White House." I would be glad to answer any questions or provide additional information.

Elaine Mittleman

The information contained in this facsimile is confidential and may contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or an agent of the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify this office by telephone and return the original message to this office at the address above.

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EXHIBIT
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ADMITTED IN D.C., NOT ADMITTED IN VIRGINIA

April 3, 2002

The Honorable Dan Burton
Chairman
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Marie Ragghianti's Response to the Report about Presidential Pardons, "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Representative Burton:

I am writing to present Marie Ragghianti's response to the Report prepared by the House Committee on Government Reform, "Justice Undone: Clemency Decisions in the Clinton White House." Ms. Ragghianti, who formerly was Chief of Staff of the United States Parole Commission, is concerned with Chapter Two, "Roger Clinton's Involvement in Lobbying for Executive Clemency."

The Executive Summary of the Report includes the following finding:

Roger Clinton lobbied for the release from prison of Rosario Gambino, a notorious heroin dealer and organized crime figure.
...

- *Roger Clinton attempted to use his relationship to the President to influence the decisionmaking of the United States Parole Commission ("USPC").* Roger Clinton lobbied the Parole Commission to grant parole to Gambino. While lobbying Parole Commission staff, Roger Clinton informed them that President Clinton was aware of his efforts on behalf of Rosario Gambino and that the President had suggested that he contact the Parole Commission members directly. Although the Commission staff tried to insulate the Commissioners from undue influence, Roger Clinton clearly attempted to use his relationship to the President to influence the Commission improperly and win Gambino's release.

- *The Chief of Staff of the Parole Commission hindered the FBI's investigation.* In 1998, the FBI began investigating Roger Clinton's contacts with the Parole Commission. However, it met resistance from Marie Ragghianti, the Chief of Staff of the Parole Commission. Ragghianti, who had participated in meetings

with Roger Clinton on the Gambino case, objected to the FBI investigation and successfully halted an FBI plan to have an undercover agent meet with Clinton posing as a Parole Commission staffer. She also attempted to keep the FBI from recording a meeting between Roger Clinton and a Parole Commission staffer. Ragghianti's efforts may have kept the FBI from reaching a full understanding of Roger Clinton's involvement in the Gambino case.

Ms. Ragghianti takes strong exception to the conclusion that she hindered the FBI's investigation of Roger Clinton. The implication of that conclusion is that Ms. Ragghianti was acting inappropriately in her position as Chief of Staff of the United States Parole Commission. In fact, Ms. Ragghianti worked diligently to serve the interests of the Parole Commission, which was her responsibility.

The conclusions concerning Ms. Ragghianti are based on a number of wrongful assumptions and misperceptions. In addition, this Report appears to bolster its findings through reliance upon subjective interpretations and incomplete information. This letter will address those matters. However, in light of the detailed nature of the report, it is not possible to rebut every misleading statement.

The subjective nature of the conclusions leads to a greater problem with the Report. Ms. Ragghianti was not advised that her actions were under investigation. She met with the Committee in an attempt to be helpful and provide information. If she were under investigation for possibly hindering an FBI investigation, she should have been so advised. If she had been so notified, she could have brought counsel to the interview to advise her and would certainly have provided the Committee with her own notes on this matter. In addition, she should have had the opportunity to comment on this report before it became final.

I. The Report assumes that it is improper and unusual for private citizens to contact the Parole Commission. The Report further assumes that it is improper and unusual for Commission staffers to have conversations with private citizens.

The fundamental premise of the concerns that Roger Clinton was lobbying the Parole Commission appears to be that contact by a private citizen (such as Clinton) is improper and unusual. To the contrary, staff members at the Parole Commission receive frequent inquiries and spend time in answering the public's questions about Parole Commission procedures. The Privacy Act precludes Commission staffers from revealing information from individual files except to authorized representatives of the inmate.

Roger Clinton contacted the Parole Commission on a number of occasions. In a January 30, 1996, conversation with Clinton, the Commission's General Counsel, Michael A. Stover, advised Clinton that Commissioner Michael J. Gaines could not meet with him

and that the Commissioners' decisionmaking process operated like a court of law. Report at Ch. Two, p. 36. (Note: Ragghianti did not join the Commission until August 1997.)

Clinton next approached the Parole Commission in December 1997, when he contacted Chairman Gaines. After being contacted, Gaines advised Chief of Staff Ragghianti that Clinton had contacted him and that Gaines thought that he should not meet with Clinton. Gaines requested that Ragghianti meet with Clinton and to treat him the way she would "anyone else." Rpt. at Ch. 2, p. 38. Gaines explained to the House Committee on Government Reform staff that he asked Ragghianti, rather than General Counsel Stover, to handle these matters, because she was Chief of Staff and answered directly to him. Rpt. at Ch. Two, p. 39. Gaines also advised the Committee staff that he did not remember Stover advising against having the meeting with Clinton or of any effort to prevent the meeting. Rpt. at Ch. Two, p. 39, n. 229. (Note: Chief of Staff Ragghianti was General Counsel Stover's superior.)

After the meeting with Chairman Gaines, Ragghianti scheduled a meeting with Clinton for December 23, 1997. She asked Tom Kowalski, Director of Case Operations, to join her in the meeting.

General Counsel Stover learned of the planned meeting from Kowalski. Stover told the Committee staff that he then advised Gaines that it was not prudent to meet with a man who had previously attempted to use political influence in an improper way. Stover indicated that Gaines responded that Gaines believed Clinton should be treated with the same courtesy as any other member of the public. As noted above, Gaines indicated that he does not recall Stover advising against the meeting. Stover also told the Committee staff that he gave Ragghianti a copy of his January 1996 memorandum (attached hereto as Exhibit 1) about his conversation with Clinton. Ragghianti told the Committee staff that she did not receive a copy of the Stover memo before her meeting with Clinton. Rpt. at Ch. Two, p. 39.

The Report includes no memoranda or other documentation indicating that Stover advised Ragghianti that she should not meet with Clinton. Moreover, Stover's January 1996 memorandum to the file stated at p. 2 that "Although Roger Clinton is a member of the public who has the right to communicate his views to the Parole Commission, the Commission should not allow the fairness of its deliberations to be placed in doubt through inclusion in the record of any communication that gratuitously introduces the factor of a potential political influence into the case. My preference is for the Commission to vote a decision based only on the facts of the Gambino case, and without reference to this episode." In fact, as the record shows, this is precisely what happened. Ragghianti saw to it that all Commission protocols and legal mandates were strictly followed, from beginning to end, in the Gambino matter.

Stover's memorandum to the file apparently distinguished between Clinton's communicating his views to the Parole Commission and inclusion of information about the Clinton contact in the file used to make parole decisions. Stover's concern was that the

file used to make decisions not be prejudiced in any way by potential political influence, which apparently could occur if Clinton were mentioned in the file. Stover's memorandum does not state that Clinton is not allowed to contact the Commission or that the staff members (not Commissioners) should not meet with Clinton.

The Report does not describe the Parole Commission procedures concerning communication with the Commission. The Commission's Procedures Manual (excerpts attached hereto as Exhibit 2) sets out the procedures at § 2.22, titled "Communication with the Commission." Section 2.22-04, titled "Requirement for Written Record of Telephone Calls," provides that the general content of all telephone calls relative to a prisoner should be part of the written record. Section 2.22-05, titled "Personal Visits," provides that visits to the Commission's Office are to be summarized for the file in all cases. All personal visits are to be made upon written requests where possible and will be handled by the appropriate analyst. "Walk in" visits will be referred initially to an analyst. No examiner should grant a personal interview to a visitor regarding a prisoner unless authorized by a Commissioner.

These regulations make it clear that the Commission anticipates receiving telephone calls and personal visits in the course of its regular business. Moreover, summaries of the telephone calls and visits are to be a part of the written record. These regulations appear to contradict Stover's suggestion that information about Clinton's contacts with the Commission should not be included in the written record. (The written record, however, is to be distinguished from the record provided hearing examiners for decision-making purposes, which may include only material germane to decision-making.)

The Report assumes that it is improper and unusual for private citizens to contact the Parole Commission. The Report further assumes that it is improper and unusual for Commission staffers to have conversations with private citizens. These assumptions support the further assumption that the fact that Roger Clinton contacted the Commission and that Commission staffers met with him was inherently problematic. However, the Commission's Procedures expressly provide for communication with the Commission by private individuals. Moreover, if Commission staffers were prohibited from meeting with Clinton, then presumably Stover should have advised of that prohibition, preferably in writing.

Ragghianti met with Clinton at the direction of Chairman Gaines. She was not advised by Stover that she should not meet with Clinton. She was performing her job in a responsible manner when she met with Clinton and any assumption that the meeting was improper is incorrect.

II. The Report assumes that Ragghianti gave special treatment to Roger Clinton.

In describing Ragghianti's treatment of Clinton, the Report states that:

> While Gaines asked Ragghianti to extend only common courtesy to Clinton and treat him like any other member of the public, it is clear that from the outset, Ragghianti treated Roger Clinton like a celebrity and gave him access that she never would have afforded a member of the general public.

Rpt. at Ch. Two, p. 39.

This statement is plainly subjective and conclusory. Ragghianti has given her telephone number to numerous other people. (Ragghianti's telephone number has always been listed, due to her personal philosophy that public officials should be available at all times.) The comment that she treated Clinton like a celebrity is particularly inappropriate. Ragghianti was the subject of a book and a movie starring Sissy Spacek, both titled, "Marie." Rpt. at Ch. Two, p. 38, n. 214. Consequently, Ragghianti is much more accustomed to the "celebrity" culture than many other government employees. It is therefore absurd to assume that Ragghianti would somehow be affected because of contact with a "celebrity" such as Roger Clinton. The Report states that Ragghianti had a "warm approach" to Clinton, but cites nothing in the record to support that description. Rpt. at Ch. Two, p. 40.

The Report implies that Ragghianti and Kowalski had a different impression of the December 23, 1997, meeting with Clinton. The Report cites the memos that Ragghianti and Kowalski wrote about the meeting and states that "rather than being critical of Clinton's approach, Ragghianti appeared sympathetic." Rpt. at Ch. Two, p. 41. This is yet another statement in the Report that is conclusory. Ragghianti noted in her memo that they explained to Clinton that the Commission takes a hard line in matters relating to organized crime. Kowalski noted in his memo that "Ms. Ragghianti and I merely listened throughout the session since we did not have file [sic] nor did Mr. Clinton have a signed release from the subject. He was advised that the case would be reviewed and no further promises were given." Similarly, the Report indicates that Ragghianti thought that Clinton did not try to capitalize on his name, while Kowalski indicated that Clinton mentioned his brother at virtually every meeting. Rpt. at Ch. Two, p. 41. Ragghianti did not find it remarkable that Clinton mentioned his brother; he also frequently mentioned his child.

These memos make it clear that Clinton was not given any special treatment and that nothing improper occurred at the meeting. Whether Clinton was attempting or appeared to be attempting to capitalize on his name does not alter the fact that the Parole Commission gave Clinton no favors. It must be appreciated that Clinton was wholly unsuccessful in his efforts to obtain parole for Gambino.

The Report describes a December 30, 1997, memo by Kowalski that described Gambino's criminal activities. The Report then found that, given the findings about Gambino's activities, "it is disturbing that Ragghianti continued to meet with Clinton and discuss the Gambino case with him." Rpt. at Ch. Two, p. 42. The implication of the Report apparently is that Ragghianti ignored the fact that Gambino had participated in criminal activities. However, Ragghianti met with Clinton at the direction of her superior,

Chairman Gaines. The fact that she met with Clinton does not imply that she was sympathetic to Gambino.

The Report explained that Ragghianti claimed that the Commission had thrown the book at Gambino. Rpt. at Ch. Two, p. 40. Ragghianti had merely stated that she had been told by the staff that the Commission had given Gambino the maximum penalty when they could have given him considerably less time. The implication in the Report is that Ragghianti thought that Gambino had been given too harsh a sentence, when Ragghianti was simply reiterating to the Committee staff what she had been advised by Commission staff about Gambino's sentence. Ragghianti had no independent knowledge of or opinion about the severity of Gambino's sentence. Indeed, Ragghianti deferred at all times to decisions made by Commissioners.

The Report describes additional contacts in 1998 by Clinton with Ragghianti and Kowalski, including a July 1998 meeting. (The Report implies that Ragghianti met repeatedly with Clinton, when in fact, she met with Clinton and Kowalski no more than three times over a period of nine months.) At the July 1998 meeting, Ragghianti and Kowalski did not make substantive comments about Gambino's case, but simply listened to Clinton's concerns. Rpt. at Ch. Two, p. 42-44. The Report indicates that the fact that Ragghianti had a series of contacts with Clinton without advising Stover was troubling. According to the Report, this contact "suggests that she wanted to provide Roger Clinton with an extraordinary measure of access." Rpt. at Ch. Two, p. 45. It needs to be reiterated that Ragghianti was Stover's superior, that she did not report to him, but that she did report to Chairman Gaines, who ordered her to meet with Clinton and be courteous to him.

The Report portrayed Ragghianti's contacts with Clinton as being in contrast with "scrupulously attempting to avoid any appearance of impropriety and follow[ing] Stover's advice." According to the Report, Ragghianti "continued her contacts with Roger Clinton unapologetically and without informing Stover." Rpt. at Ch. Two, p. 45. These comments again reflect the subjective and conclusory nature of the Report. The Report assumes that there was an impropriety in meeting with Clinton. It further assumes that Ragghianti had an obligation to inform (and, apparently, get permission from) Stover about her contacts with Clinton. The Report assumes that Ragghianti's contacts with Clinton, which were done without consulting Stover, indicated that she wanted to give Clinton an "extraordinary measure of access." Rpt. at Ch. Two, p. 45.

The Report does not explain what impropriety existed in Ragghianti's meeting with Clinton and does not establish that Ragghianti was required to advise Stover of her contacts with Clinton. If Stover believed that it was important for him to be advised on ongoing dealings with Clinton, he could have made a written request to Ragghianti. The exhibits apparently include no such request from Stover that he be apprised of Ragghianti's contacts with Clinton.

Morcover, the Report appears to attribute the dispute about contacts with Clinton to being "part of a broader animosity Ragghianti harbored for Stover." Rpt. at Ch. Two, p. 46. Once again, the purported animosity is a subjective conclusion of the Report. This claim of animosity is directed at Ragghianti and ignores Stover's attitude toward Ragghianti. Incredibly, the Report concludes that Stover did not engage in any attacks on Ragghianti, but he did maintain that it was unwise for Ragghianti to engage in a series of contacts with Clinton. Rpt. at Ch. Two, p. 46. This bald conclusion contains no citation to any facts in the record. It implies that Ragghianti engaged in a "series of contacts" with Clinton without describing the actual number of contacts that did occur. The number of times that Clinton may have called Ragghianti's telephone number does not show how many times an actual conversation occurred between Ragghianti and Clinton.

Finally, it is significant that Ragghianti wrote a letter dated October 26, 1998 (attached hereto as Exhibit 3), to Clinton. The letter plainly states that it was written at the request of the Chairman and it advises Clinton that Commission policy restricts the Commission staff from engaging in a series of calls or discussions on official matters. Ragghianti's letter instructed Clinton to write the Commission, if there are any further requests. The Report noted that, during the fall of 1998, Ragghianti and Kowalski did not respond to most of Clinton's calls and that they reported the calls to Stover. Rpt. at Ch. Two, p. 47. Ragghianti did not respond to *any* of Clinton's calls during this time, or subsequently.

The Report's discussion of Ragghianti's contacts with Clinton gives the impression that she gave Clinton special treatment, extended favors to him, had numerous telephone conversations with him and was sympathetic to the merits of Gambino's case. The Report is therefore misleading and obscures the fact that Clinton was not successful in obtaining parole for Gambino. The Report mistakenly assumes that the fact that Ragghianti met with Clinton at the request of Chairman Gaines resulted in special favors being extended to Clinton and Gambino. The Parole Commission's willingness to permit staff to meet with a member of the public (even the President's brother) does not signify the Commission's willingness to bestow special favors on a member of the public (even the President's brother).

III. The Report does not include a description of the scope of the FBI investigation and the position of the Commission about the investigation.

The Report indicates that the FBI sought to review the Parole Commission's file on Gambino in late August 1998. Stover provided the FBI with the documents relating to the Gambino case. Stover stated to the Committee that the original interest of the FBI appeared to be in Gambino, rather than Clinton. On September 11, 1998, Stover informed Ragghianti that the FBI had reviewed the Gambino file at the Commission's office. Rpt. at Ch. Two, p. 44-45. The Report leaves the impression that the time and the identity of the complainant of the initiation of the FBI's investigation of Roger Clinton is still unknown. The Report states that "it appears that Roger Clinton was of investigative interest to the FBI well before this point." Rpt. at Ch. Two, p. 45, n. 280.

The Commission's procedures concerning requests from law enforcement authorities are based on Privacy Act requirements. The head of the agency (or a delegee) should make a written request to the Commission specifying the material desired and the law enforcement activity for which the records are sought. The requester should be specific about the type of information sought and the purpose of the request. Any disclosure to a law enforcement authority must be documented for the file to comply with the accountability requirements of the Privacy Act.

The Report apparently does not include the documentation required by the Privacy Act. It is not clear that the FBI made a written request to the Commission and described the law enforcement activity for which the records were sought. The confusion by the Commission employees as to the purpose of the FBI investigation would seem to indicate that the FBI had not explained the investigation to the Commission.

The Commissioners and staff members presumably should have been advised by the FBI as to whether the investigation was about Gambino or about Clinton. The meeting notes of January 26, 1999 (attached hereto as Exhibit 4), indicate that Commissioner John Simpson asked what was being investigated and for whom. The lack of information is illustrated by the uncertainty as to whether the FBI investigation was being conducted for Ken Starr or for another U.S. Attorney's Office. Rpt. at Ch. Two, p. 52.

In light of the Commission's lack of information about the purpose and origin of the FBI's investigation and the lack of documentation about the subject of the investigation in this Committee's Report, it may be that the Privacy Act requirements have not been met. Specifically, before Stover gave the FBI access to the Parole Commission files, the FBI should have made a written request to the Commission, specifying the material desired and the law enforcement activity for which the records were sought. If this information had been provided, there would not have been such uncertainty as to the scope and purpose of the FBI's investigation.

IV. The Report assumes that an open-ended FBI Investigation of Clinton had been approved by the Parole Commission or that no approval was necessary.

The Report provides no clear documentation about the FBI's advising the Parole Commission as to the scope and purpose of the FBI investigation. Rather, the Report apparently assumes that the FBI could freely use the offices and files of the Commission without any formal approval or oversight by the Commission.

The notes of the meeting with the Commissioners on January 26, 1999, reflect the position of the Commissioners. It is clear that they did not have substantial information about the FBI investigation and, indeed, Commissioner Simpson was pressing to learn what was the FBI investigating and for whom.

Stover advised the Commission (through Sharon Gervasoni, the Deputy Designated Agency Ethics Officer, who attended the meeting) that the decision of Kowalski to participate in an undercover or sting operation run by the FBI was a personal decision for Kowalski to make and was not a Commission decision. FBI Agent Jackie Dalrymple had contacted Kowalski on January 26, 1999 (the day of the meeting), asking whether he would contact Clinton by pager and allow a return call to be taped. Rpt. at Ch. Two, p. 49, 51-52. It is important to appreciate that the FBI proposal discussed at this meeting did not involve Kowalski meeting Clinton in a restaurant. It merely involved taping a call between Clinton and Kowalski.

The Commissioners apparently determined that it was best for Kowalski to make his own decision about cooperating with the FBI. Rpt. at Ch. Two, p. 51-52. This determination was based on the legal advice given by Stover that this decision was a personal one for Kowalski and not a Commission decision. The Commissioners agreed that for the time-being, at least, Commission business was not being interfered with, but left open the possibility of contacting the Deputy Attorney General's Office should that change. Moreover, the Commissioners seemed to lack any substantive information about the investigation, as evidenced by Commissioner Simpson's basic inquiries.

An unsigned note to Ragghianti (attached hereto as Exhibit 5)(from Sharon Gervasoni, the Deputy Designated Agency Ethics Officer) following the January 26, 1999, meeting, described the position of the Commissioners, as follows:

> The Commissioners agreed that, at this point, the FBI's investigation is not interfering with the Commission's ability to conduct its business and left open the possibility of a grievance to the Deputy Attorney General if that were to change.

This note from Gervasoni, which was stapled to the final version of the meeting notes, was written after Ragghianti asked Gervasoni to review notes taken at the meeting with the Commissioners. After reviewing the notes, Gervasoni wrote her note to remind Ragghianti of the Commissioners' wishes that the investigation not interfere with the Commission's normal course of business. The note supports Ragghianti's understanding that the consensus of the Commissioners was to ensure that the Commission could conduct its business without undue or inappropriate interference from the FBI investigation.

V. The Report implies that Ragghianti's actions changed after she became aware of the FBI investigation.

The Report is particularly troubling and misleading in its implication that Ragghianti changed her actions after she became aware of the FBI investigation. The Report discusses the October 26, 1998, letter sent to Clinton by Ragghianti, in which she instructed him to make further contacts in writing. The letter was prepared by Stover and Ragghianti, and signed by Ragghianti. However, the Report credits Stover's comment in

his Committee interview that he considered the letter's language about staff conacts as a victory on that issue. Rpt. at Ch. Two, p. 47. Ragghianti reiterates that it was she who signed the letter, after concurring with Stover on its advice.

The Report then makes the following comment:

> It is curious that before the FBI began its investigation of Clinton and Gambino in September 1998, Ragghianti was strongly in favor of meeting with Clinton, and then, once the FBI began its investigation, she suddenly agreed with Michael Stover's long-standing advice to stop meeting with Clinton.

This narrative is outrageous and clearly subjective and filled with innuendo. Ragghianti had previously met with Clinton at the instruction of Chairman Gaines. In meeting with Clinton, she was carrying out her job responsibilities. Moreover, the Report refers to Stover's "long-standing advice to stop meeting with Clinton," without citing to any documentation supporting the existence of that "advice." The Report implies that Ragghianti had met with Clinton in violation of Stover's advice (once again, making it appear that the meetings were frequent and routine) and does not emphasize that Ragghianti met with Clinton on the instruction of Chairman Gaines. Accordingly, the Report assumes that Stover's advice (which is not memorialized in any legal memorandum or letter) took precedence over the explicit orders of Chairman Gaines.

The statement that Ragghianti "suddenly" agreed with Stover's long-standing advice - after she learned of the FBI investigation of Clinton and Gambino - implies that Ragghianti was trying to hide something or was concerned about appearing suspicious during the investigation. The description of her actions as occurring "suddenly" is filled with innuendo and cites to nothing in the record.

VI. The Report implies that Ragghianti resisted any policy restricting contacts with Clinton.

The Report gives the impression that Stover had fought a diligent battle to restrict agency contacts with Clinton and to establish a policy restricting those contacts. Indeed, the Report describes Stover's comment that the October 26, 1998, letter to Clinton essentially established a policy and that Stover considered that policy a "victory." However, the Report contains no memoranda or documentation supporting Stover's alleged long-standing advice to stop meeting with Clinton. Rpt. at Ch. Two, p. 47. To the extent that the Commission policy had been uncertain or poorly-defined, it would appear that General Counsel Stover should have been advising staff in writing about the need to set such a policy.

The Report minimizes Stover's response to a question as to whether a policy against third party meetings was in fact the practice of the Commission. Stover stated, "Sometimes you state a policy at the moment of its creation." This clarifies that there was a need to establish a more definitive policy than the ones in place at the time (as Stover

admitted), which allowed meetings with the public by Parole Commission staff. However, because there was no adequate published policy, Ragghianti followed the policies that were in place at the time.

The Report omits efforts by Ragghianti to determine or establish Commission policy on contacts with persons such as Clinton. In a memorandum dated September 16, 1998 (attached hereto as Exhibit 6), to Sharon Gervasoni, the Deputy Designated Agency Ethics Officer ("DDAEO"), Ragghianti stated:

> Also, I think this situation makes clear the need for development of some kind of interim protocol for handling sensitive cases or situations which may require weighing the need or rationale for informing (or not informing) the Chairman and/or Commissioners. ...
>
> Additionally, Michael and I have discussed the need for a procedure to identify what kinds of information to include (or exclude) from decision-making files in the future, again in situations similar to this one.

In a 1998 memorandum titled "Running Commentary on Gambino situation" (attached hereto as Exhibit 7), Ragghianti described her contacts with other Commission staffers in an effort to determine the proper handling of the Clinton matter. Ragghianti made the following entry in this memorandum:

> September 17th: Spoke to Michael [Stover] yesterday afternoon (after yesterday's above entry). We agreed that a protocol should be established; also, that he & Sharon [Gervasoni] should issue some kind of memorandum regarding when memoranda should be included in the decisionmaking file of a case, and when they should be placed with the DAEO. We agreed that I should give Sharon copies of Tom's & my memoranda in the Gambino matter.

In a memorandum dated September 23, 1998 (attached hereto as Exhibit 8), Deputy DAEO Gervasoni replied to Ragghianti's request for advice dated September 16, 1998. Gervasoni noted that there was an apparent contradiction between the advice to keep information about Clinton contacts out of the Gambino decisionmaking file and the Commission's Procedures Manual, which states that "visits to the Commission's Office are summarized for the file in all cases." Procedures Manual § 2.22-05. Gervasoni also noted that "Stover is currently working on the advice memorandum you reference."

These memos clearly indicate that Ragghianti was working with other staffers (besides Kowalski and the Chairman), including Stover, to handle a sensitive matter. Further, the memos reflect the uncertainty and shortcomings of the Commission's policies and procedures in determining what should be included in the decisionmaking file about third-party contacts and to what extent the Commissioners or decisionmakers themselves should be made aware of these third-party contacts. As described above, Ragghianti was

instructed by Chairman Gaines to respond to Clinton's inquiries, in part to assure that the Commissioner himself would not be involved. The recurring concern was that the Chairman (and possibly other Commissioners) would have to recuse if they received too much information about the Clinton contacts. The concern was that the Chairman or another Commissioner might lose the ability to vote objectively in the matter.

The Parole Commission denied Gambino's final appeal in April 1999, which meant that Gambino's parole date remained at March 2007. Chairman Gaines did recuse himself from the decision, in light of his involvement in discussions about Clinton's contacts and the FBI investigation. Rpt. at Ch. Two, p. 48-49.

These uncertainties in Commission policy and procedures were certainly not the fault of Ragghianti. In fact, she worked diligently and sought guidance in trying to resolve the conflicts and establish clearer policies and procedures.

VII. The Report assumes that the Parole Commission has a duty to permit the FBI to use Parole Commission resources and employees to conduct undercover or sting operations.

The Report assumes that the FBI investigation should be permitted to take any direction that the FBI chooses. In focusing on the FBI, the Report overlooks that the Parole Commission is a distinct governmental entity, with its own mandate and policies. The Commission must be informed about and consent to any investigation conducted by the FBI that uses Commission resources and employees.

Moreover, it would appear that Stover's advice to the Commissioners - that the decision whether Kowalski should participate in an undercover or sting operation is a personal, rather than a Commission, decision - was incorrect. Kowalski was operating as a Commission employee when he participated in the meeting with Clinton in his office at the FBI's direction.

The Report describes Ragghianti's comment (which was a joke) to Kowalski about a comment made by Clinton on a taped message to Kowalski. The Report surmises that "it is telling that Ragghianti thought Kowalski would need some sort of secret motivation to work with the FBI." Rpt. at Ch. Two, p. 49. This is yet another absurd conclusion by the authors of the Report based on conjecture and misinterpreting a friendly jest between co-workers. Ragghianti herself (as Chairwoman of the Tennessee Board of Pardons and Paroles) had once initiated a federal investigation of pardons and paroles practices in Tennessee in the mid-Seventies. This fact demonstrates that it was unlikely that Ragghianti would object to an employee cooperating with a federal investigation. Although she was not convinced that Clinton had done anything illegal, she respected Kowalski's right to have his own opinion, and at no time did she ever attempt to dissuade him from cooperating with the FBI's investigation.

The Report explains that the FBI (after listening to Clinton's telephone messages to Ragghianti and Kowalski) suggested to Ragghianti that Kowalski could meet with Clinton at a local restaurant. Another person at this meeting would in fact be an undercover FBI agent. Rpt. at Ch. Two, p. 49-50. However, the above-mentioned messages were left in January 1999, following the FBI's initial visits to the Commission - while the FBI's restaurant proposal was made weeks later. Recall that on January 26, 1999, Ragghianti and Deputy DAEO Gervasoni (as already recounted) met with the Chairman and Commissioners to advise them of the investigation and the FBI's request for the Commission to cooperate with them. It was at this meeting that the Commissioners agreed that they would not tell Kowalski what to do (re: the investigation). Recall, too, that as of January 26, the FBI's request of Kowalski was that he contact Clinton by pager and allow a returned call to be taped (no mention of a restaurant sting). This was the meeting (as Gervasoni subsequently reminded Ragghianti) where "(t)he Commissioners also agreed that, at this point, the FBI's investigation is not interfering with the Commission's ability to conduct its business, and left open the possibility of a grievance to the Deputy Attorney General if that were to change."

The Report emphasizes that Ragghianti rejected the proposal to meet at a local restaurant "out of hand" without consulting Chairman Gaines or the rest of the Commission. The Report does not make clear that this proposal was not presented until March 1999. Also, the Report does not make clear that this proposal was the third or fourth revision of a plan to tape record Clinton - and that the new plan was inconsistent with the Commissioners' understanding of what was to take place. Nor does the Report make clear that at the time of the again-newly-revised plan (for Kowalski, wearing a "body bug," to meet Clinton at a Holiday Inn restaurant), Ragghianti had *already* met with the Chairman and Commissioners *twice*, and that she was concerned that the Commissioners' understanding of what was to occur was no longer the plan.

The Report states that "Ragghianti's basis for rejecting the FBI proposal was highly suspect." It further concludes that "Ragghianti's reason for opposing the request, therefore, was essentially that it was likely to be successful." Rpt. at Ch. Two, p. 50. These astounding suppositions are premised on the speculation that the meeting in the restaurant would have provided the relaxed environment in which Clinton could commit illegal acts (apparently, by offering a bribe to Kowalski). In other words, the Parole Commission employee (Kowalski) was to participate in actively encouraging Clinton to commit an illegal act.

The Report ignores entirely that the anticipated illegal act by Clinton could be easily prevented by the mere refusal of Commission employees (such as Kowalski) to meet with Clinton in a restaurant. If the Commission were to place top priority on its doing its own business (as it should), then the Commission should not approve facilitating the illegal acts of a private citizen. Ragghianti had other concerns about entrapment and the appearances of entrapment, which were very well founded. She had been advised that it was not her duty to make the legal determination as to what constituted entrapment. However, it was her threefold duty (delegated by Chairman Gaines) as Chief of Staff to

carry out the wishes of the Commissioners, to see to it that Commission business was properly conducted, and to protect the public image of the Commission. Ragghianti believed that the newly-revised plan proposed by the FBI jeopardized all three.

The Report assumes that any hesitation or refusal by a government agency to participate actively in an FBI undercover or sting operation can be considered impeding the investigation (or even obstruction of justice). The Report cites no authority whatever to establish that any agency or agency employee is required or expected to consent to any and all requests for active participation in an FBI sting operation.

The Report fails to appreciate that an agency, such as the Parole Commission, has its own policies and objectives. The goals, procedures and tactics of the FBI may be in direct conflict with those of the agency. The agency must make its own determination as to the scope of its willingness and ability to participate in FBI undercover operations.

In this case, the FBI was asking Commission staffers to violate the instructions given to Clinton in the October 26, 1998, letter signed by Ragghianti. The FBI wanted Kowalski to meet personally with Clinton (to serve the goals of the FBI, not the Commission) after Clinton had been advised that future contacts should be in writing. The Commission was not required to go along with the FBI sting. Ragghianti's refusal to do so was based on her principled understanding of the Parole Commission's policies and mandate.

VIII. The Report confuses the chronology of the FBI proposed operations.

The Report describes several proposed operations by the FBI, including the taping of a return telephone call from Clinton in Kowalski's office and the undercover operation in a local restaurant. The proposed meeting at the restaurant would include an FBI agent posing as a Parole Commission staffer who could help Clinton with the Gambino case.

However, the Report confuses the chronology. The Report states that the FBI proposed the meeting at a local restaurant after Agent Dalrymple had listened to the voice mail recordings from Clinton's calls on January 22, 1999. Rpt. at Ch. Two, p. 49. The Report then states:

> After Ragghianti rejected the initial FBI proposal, Agent Dalrymple proposed another possible approach to Roger Clinton. In late January 1999, she suggested that Tom Kowalski page Roger Clinton, and then when Clinton called back, the FBI would tape their conversation.

Rpt. at Ch. Two, p. 51, citing n. 328 (the meeting notes of the January 26, 1999, meeting with the Commissioners).

In fact, the first proposal by Agent Dalrymple was the taping of Clinton's return telephone call. This proposal preceded the restaurant plan. This is the proposal discussed by the Commissioners at the January 26, 1999, meeting.

The undercover restaurant operation was proposed several weeks later, after Agent Dalrymple had suggested taping Clinton's return call to Kowalski. As discussed above, the Holiday Inn restaurant plan included an FBI undercover agent, who would accompany Kowalski to a meeting with Clinton at the motel's restaurant, posing as a Parole Commission staffer. However, on March 19, 1999, Kowalski received another telephone call from Clinton. Kowalski contacted Agent Dalrymple and a new plan was devised in which Kowalski would meet Clinton the next Tuesday at a restaurant. Kowalski would be wearing a recording device. Ragghianti Memorandum [Confidential Think Piece], dated March 19, 1999 (attached hereto as Exhibit 9).

The Report does not clarify that the Commissioners had made it clear to Ragghianti that they did not want the Commission to be *actively* involved in a sting. Nor does the Report make clear that the Commissioners had expressly ordered that they not be further informed about the details of the investigation (because of their ongoing concerns that they might be forced to recuse themselves from voting on the case).

The Commissioners by this time had voted that they would not forbid Kowalski's involvement, since Stover had advised them that to do so could be tantamount to obstructing justice. Ragghianti went to Stover at this point, and expressed her concern that the newly-revised restaurant sting proposal was not the scenario which had been presented to the Commissioners. She also expressed her concerns that she could not consult the Commissioners for a third time because she had been expressly told (by the Commissioners) that she should not do so, as the concern was rapidly growing that the Commissioners' ability to be objective decision-makers in the Gambino case would be compromised. (In fact, the Chairman eventually felt forced to recuse himself from the case.)

As the Commission's Chief of Staff, it was Ragghianti's responsibility to carry out the wishes of the Commissioners, and to ensure that Commission business was conducted as normally as possible, and without undue interference by the investigation. Ragghianti objected to the newly-proposed motel restaurant sting because it was not consistent with the plan presented to the Commissioners in her most recent meeting with them. In other words, the plan proposed by the FBI was in violation of the Commissioners' wishes, as well as the policies and procedures of the Commission, which did not normally conduct its business in motel restaurants.

When Ragghianti went to Stover's office, she stated that she wanted to call the office of the Deputy Attorney General to speak with Kevin Ohlsen (whom they had previously consulted on the Clinton matter). In the resulting telephone call on March 19, 1999, Ragghianti and Stover spoke with David Margolis, an Associate Deputy Attorney General, and Kevin Ohlsen, the Chief of Staff to the Deputy Attorney General.

The topics discussed in this telephone call are described in the Confidential Think Piece, dated March 19, 1999, as well as in Ragghianti's handwritten notes, dated March 19, 1999 (attached hereto as Exhibit 10), and Stover's handwritten notes, dated March 19, 1999 (attached hereto as Exhibit 11). These documents indicate that Justice Department attorneys Margolis and Ohlsen supported Ragghianti's view that the decision by Kowalski about participating in the FBI investigation was not a personal decision. Margolis stated that, obviously, Kowalski had been contacted in his role as a representative of the Commission. Moreover, the Commission had every right to instruct Kowalski what to do about the FBI investigation.

In addition, Margolis assured Ragghianti that the Commission could make a judgment call as to the extent of its participation in any FBI investigation. Margolis explained that the Commission would not be accused of "obstruction of justice" if it did not participate in any FBI investigation. In other words, the Commission was not obligated to approve participation by its employees in any FBI sting or undercover operation. The determination as to the extent of participation of Commission employees was solely at the discretion of the Commission. At hearing this, Ragghianti was even more concerned that the Commissioners had received poor legal advice from General Counsel Stover, who had advised them that failure to cooperate in the investigation might be considered obstruction of justice. In addition, Ragghianti noted in the telephone conversation with Margolis and Ohlsen that there was acknowledgment that the Commission might be subjected to criticism (if it allowed participation in the proposed sting), a concern of hers as well.

The Report indicates correctly that Kowalski agreed to cooperate with the FBI investigation. Kowalski left a voice mail for Clinton, but Clinton did not call back. Rpt. at Ch. Two, p. 53. The proposed restaurant operation was not conducted. However, the FBI did wire Kowalski's office and obtain a tape of a conversation with Clinton on March 23, 1999. The Report does not clarify that Ragghianti allowed the taping because it was consistent with her understanding of the directives of the Commissioners - that as long as the normal conduct of Commission business was not impeded, Kowalski could cooperate with the investigation.

Clinton had told Kowalski he would come by the Parole Commission offices and meet with him. Kowalski advised the Committee that the FBI had suggested questions to ask Clinton, such as, "Is there anything you want me to do?" Rpt. at Ch. Two, p. 53-54. Clinton did not provide any incriminating responses. After the meeting, FBI agents came to Kowalski's office and told him that they would have to close the investigation. It appears that the FBI ceased its investigation of Clinton's contacts with the Parole Commission after this taped conversation. A transcript of this conversation exists, but the Justice Department refused to produce it to the Committee. Rpt. at Ch. Two, p. 54, n. 360.

IX. The Report unfairly speculates about Ragghianti's "motive" in refusing to permit the FBI to conduct a sting using a Commission employee in a restaurant.

The Report speculates about Ragghianti's "motive" in rejecting the FBI's request to have a sting in a local restaurant using Kowalski. The Report states:

> The real question is what was Marie Ragghianti's actual motive for rejecting the FBI request. Ragghianti had a reputation for ethical conduct prior to coming to the Commission. That she would make such a decision is, therefore, surprising. However, she clearly went out of her way to be accommodating to Roger Clinton. Whether Ragghianti was trying to curry favor with the Clinton Administration or whether she just genuinely liked Roger Clinton is unclear. But, for Ragghianti to ignore the advice of the Parole Commission General Counsel regarding such a sensitive legal matter suggests, at best, that she was not objective in her handling of the Clinton-Gambino matter. At worst, Ragghianti may have been trying to protect Roger Clinton.

Rpt. at Ch. Two, p. 50.

The language in this paragraph is profoundly offensive and based on the series of false and unsubstantiated assumptions described above. It assumes that Ragghianti ignored the advice of the Parole Commission General Counsel (Stover) about "such a sensitive legal matter." However, the paragraph does not identify the legal advice from Stover and does not explain how Ragghianti ignored it (nor does it cite any authority requiring Ragghianti to follow the unspecified advice from Stover). As Chief of Staff, Ragghianti reported to Chairman Gaines, not to Stover. Furthermore, she had sought legal advice from others (e.g., Margolis and Ohlsen). Additionally, Ragghianti knew that the Chairman was himself an attorney with years of experience in State and Federal parole law.

The Report further speculates that Kowalski's lack of comfort in participating in the taped conversation with Clinton may have had an impact on Clinton. The speculation continues in contemplating that the undercover operation might have been more successful. (Ironically, among Ragghianti's many concerns was the possibility that the motel restaurant sting operation could be bungled, and thus subject the Commission to public derision and humiliation.) The conclusion is stated as follows:

> The failure of the taped conversation with Kowalski makes Ragghianti's decision to reject the FBI undercover proposal even more significant. If the FBI was able to have a trained, professional undercover agent discussing Gambino's parole with Clinton, it might have made a significant difference in the FBI's case. However, due to Ragghianti's refusal to cooperate with the FBI, it is impossible to know what would have happened.

Rpt. at Ch. Two, p. 54.

The Report blames Ragghianti for the fact that the FBI did not trap Roger Clinton attempting or committing an illegal act. The Report does not acknowledge the possibility that the FBI did not trap Clinton attempting an illegal act because Clinton was not attempting an illegal act. The Report appears to be disappointed in the lack of evidence collected to prove that Clinton had committed a crime. It therefore blames this lack of evidence on Ragghianti. The Report does not credit Ragghianti for carrying out her duties as Chief of Staff conscientiously and as directed by the Parole Commissioners, including Chairman Gaines.

The finding in the Report that Ragghianti hindered the FBI's investigation is wrong. Ragghianti worked diligently with other Commission staffers and Justice Department lawyers to determine the Commission's legally appropriate response. The FBI's investigation presented an awkward situation, because the Commissioners themselves did not want to be involved or even informed based on concerns about recusal and interference with Parole Commission business. Ragghianti was placed in the middle of a complex situation and she worked diligently to facilitate the FBI investigation to the extent it did not interfere with or violate the Commission's normal conduct of business.

The Report noted that Ragghianti "had a reputation for ethical conduct prior to coming to the Commission." Rpt. at Ch. Two, p. 50. A careful examination of Ragghianti's handling of this delicate and complex situation at the Parole Commission reinforces - and enhances - her national reputation for integrity and ethical conduct. Consequently, it is particularly outrageous that the Report appears to draw the opposite conclusion about her. The power and resources of this Committee should not be used to blemish unfairly and incorrectly the reputation of Ragghianti, or any other government employee who strives to be responsive to her duties and professional responsibilities.

Representative Burton, I am asking that you amend the Report and delete the statements that indicate or imply that Marie Ragghianti hindered the FBI's investigation or gave special favors to Roger Clinton. I would be pleased to provide additional information.

Thank you for your attention to this important matter.

Sincerely,

Elaine Mittleman

Enclosures

cc: Representative Henry Waxman

(c) Time served on a new state or federal sentence shall be counted as time in custody for reparole guideline purposes. This does not affect the computation of the expiration date of the violator term as provided by Sections 2.47(c) and 2.52(c) and (d).

(d) The above are merely guidelines. A decision outside these guidelines (either above or below) may be made when circumstances warrant.

Notes and Procedures

2.21-01. *Administrative Violations.*

The Commission has a range of sanctions available for dealing with administrative parole violations: reprimand, special conditions (e.g., a CCC placement), and revocation. The Commission preference is to use reimprisonment as a last resort, i.e., when other sanctions have been unsuccessfully tried or are plainly inappropriate. Note: Where there are administrative violations and new criminal conduct, the new criminal conduct controls. Do not consider administrative violations under the multiple separate offense procedure.

2.21-02. *Miscellaneous Offenses.*

Common offenses involving parole violators that are graded as Category One (under §2.20 Chapter Twelve) include driving while under the influence/ while impaired, and possession of weapons other than firearms (e.g., possession of a switchblade knife).

2.21-03. *Possession of a Weapon by a Parolee.*

Possession of a firearm by a parolee will usually constitute new criminal conduct (the Federal Gun Control Act of 1968 generally prohibits persons convicted of felonies from possessing firearms, although there are certain limited exceptions. For example, this Act does not apply to persons adjudicated under the Federal Juvenile Delinquency Act). However, there may be cases in which possession of a weapon does not constitute new criminal conduct but is still a violation of the conditions of parole (e.g., possession of weapons other than firearms). For such cases, the administrative violation category of the reparole guidelines will apply.

2.21-04. *Escape by Parolee from State Custody.*

Occasionally, a prisoner will be paroled to a state sentence and will subsequently escape. For guideline purposes, apply the rescission guidelines (28 C.F.R. 2.36) as if the escape had been from a federal sentence.

§2.22 COMMUNICATION WITH THE COMMISSION.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Commission must submit a written request to the appropriate office setting forth the nature of the information to be discussed. Such interview may be conducted by a Commissioner or assigned staff and a written summary of each such interview shall be prepared and placed in the prisoner's file.

Notes and Procedures

2.22-01. *Review and Referral of Correspondence.*

Correspondence from prisoners or their relatives, friends or others is reviewed by an analyst and a reply, if appropriate, is made to the writer by the analyst. If the content of the correspondence is deemed of sufficient importance to warrant referral to the Regional Commissioner for possible initiation of Commission action, the analyst will do so. Referrals will be made at the discretion of the analyst.

Ragghianti Exhibit 2

§ 2.22-02. *Correspondence from Members of Congress and Other High Officials.*

(a) All correspondence from a Member of Congress, a Federal Judge, or other high government official regarding a prisoner is responded to by letter bearing the signature of the Regional Commissioner, except as noted in (b) and (c) below. Copies of responses to all congressional correspondence tagged by the Office of Legislative Affairs shall be forwarded (two copies) to the Chairman's Office.

(b) In cases currently before the National Appeals Board or National Commissioners, any such correspondence shall be referred to the Chairman of the National Appeals Board for response.

(c) In cases which have been designated as original jurisdiction, responses to congressional inquiries will be prepared by the Chairman's office.

§ 2.22-03. *Congressional Correspondence/Privacy Act.*

(a) Members of Congress either directly or through their staff personnel frequently request information concerning inmates or persons on supervision who are their constituents. Requests should be responded to within one week of receipt with the response signed by the Chairman, Vice Chairman, or the appropriate Commissioner.

(b) The usual request is in the form of a letter from the inmate/parolee to the Congressman or Senator, which is forwarded to the Commission by a covering letter or "buck slip." These may be responded to without obtaining a waiver or form signed by the inmate. (The inmate's letter to the Congressman will be accepted as a waiver.) Include whatever information is appropriate for the response but do not disclose any information which you would not disclose to the inmate/parolee himself if he had made a request under the Privacy Act. Occasionally, a congressional letter is received which does not contain a letter from the inmate/parolee, but specifically advises that this subject has consented disclosure of information to the Congressman or has written to the Congressman requesting assistance. Honor such requests in the same manner as those enclosing the inmate/parolee's letter.

(c) Some congressional requests will contain correspondence from family or friends (not the inmate/parolee) or will mention an inmate/parolee's name without specifying the source of the request and then ask for information. If the writer does not desire any other information than what is contained on the BP-5 plus the action taken in a case (as the result of a hearing or review on the record), comply and furnish this information. However, please note that the disclosure of the action taken does not include disclosure of reasons for that decision. If information which is protected by the Privacy Act is requested, advise the Congressman's Office that detailed information cannot be furnished unless the inmate/parolee provides some written authority waiving his right to privacy; and state that a copy of this letter has been forwarded to the inmate/parolee along with a waiver form and instructions advising him to sign and return the form directly to the Commission if he desires to have such information released.

(d) Some Congressmen request that responses go directly to the inmate/parolee with a copy to the Congressman's Office; these requests are to be honored.

§ 2.22-04. *Requirement for Written Record of Telephone Calls.*

The general content of all telephone calls made or received relative to a prisoner is to be made a part of the written record and signed by the Commissioner or staff person who participated in the call.

§ 2.22-05. *Personal Visits.*

Visits to the Commission's Office are summarized for the file in all cases. All personal visits will be made upon written requests where possible and will be handled by the appropriate analyst. "Walk in" visits will be referred initially to an analyst. No examiner will grant a personal interview to a visitor regarding a prisoner unless authorized by a Commissioner.

§ 2.22-06. *Visits of Federal Prisoners to the Commission's Office.*

Commission personnel shall not grant a personal interview to a Federal prisoner except at a duly scheduled hearing,

Parolees or mandatory releasees who come to the Commission's office shall be informed that they must instead contact their probation officer. Persons in the community under the legal custody of the Bureau of Prisons shall be informed that they must instead contact their caseworker.

2.22-07. *Contacts at Institutions.*

Examiners should be careful not to be swayed in their deliberations by comments by any institution official, unless such comments are substantiated by data in the prisoner's file or made during the course of the hearing with the prisoner present. Persons making gratuitous comments to the examiners should be invited to present their thoughts in writing and make them a part of the record. Examiners should not engage in conversation outside the hearing room concerning any prisoner with any member of the public, attorney, or relative of an inmate who might be in the vicinity of an institution or who might attempt to influence an examiner at any place or at any time.

2.22-08. *Contacts Outside of Routine Channels.*

From time to time, Commissioners may be contacted by acquaintances and former colleagues in the criminal justice field about particular parole cases that are not within their jurisdiction at the time. In such circumstances, each Commissioner should ascertain first what case has prompted the call, and in whose jurisdiction the case properly lies. If the case is not within the contacted Commissioner's jurisdiction, the caller should be advised to write to the appropriate Commissioner, whether it would be a Regional Commissioner, the Chairman of the National Appeals Board (if the case is on national appeal), or the Chairman of the Commission (if the matter involves a complaint about the general policy or practice of the Commission).

2.22-09. *Personal and Financial Relationships of a Potentially Compromising Nature.*

Unless specifically authorized by the Chairman or the appropriate Regional Commissioner, all Commission employees must refrain from any on-going personal, social, financial, or business relationship with a current Federal inmate or parolee, regardless of whether or not the employee is in a position to influence an official decision concerning that inmate or parolee, unless such relationship can be justified as merely coincident to the employee's participation in some organized activity of a professional or charitable nature. Any deliberate attempt by a Federal inmate or parolee to contact or socialize with a Commission employee off-duty, which is not part of such an activity, must be firmly rejected and promptly reported to the employee's supervisor.

2.22-10. *Deputy Designated Agency Ethics Official .*

Employees are encouraged to call the Commission's Deputy Designated Agency Ethics Official (DDAEO) in the General Counsel's Office for advice concerning any ethics-related problem, whether actual or potential. Supervisors are required to keep the DDAEO advised of any ethics-related problems which could result in adverse personnel action. Employees considering any post-employment activity in the field of criminal justice which involves representation before agencies or courts are requested to consult with the DDAEO to ensure that the provisions of 18 U.S.C. 207 and 28 C.F.R. §2.61(c)(1) are understood.

§2.23 DELEGATION TO HEARING EXAMINERS.

(a) There is hereby delegated to hearing examiners the authority necessary to conduct hearings and make recommendations relative to the grant or denial of parole or reparole, revocation or reinstatement of parole or mandatory release, and conditions of parole. Any hearing may be conducted by a single examiner or by a panel of examiners. An Executive Hearing Examiner shall function as a hearing examiner for the purpose of obtaining a panel recommendation whenever the Regional Commissioner has not ordered that a hearing be conducted by a panel of two examiners.

(b) The concurrence of two examiners, or of a hearing examiner and the Executive Hearing Examiner, shall be required to obtain a panel recommendation to the Regional Commissioner. A panel recommendation is required in each case decided by a Regional Commissioner after the holding of a hearing.

These examples for §2.37(a) are not all-inclusive, but they help to indicate the points with which probation officers and staff should be concerned in this disclosure situation. It should be noted that the disclosure may be required even without a request from member of the public for the information. The Regional Commissioner may delegate the duty to approve disclosure of file information under this routine use to the Executive Hearing Examiner or Case Analysts. Requests for disclosure, as well as subsequent approvals, may be handled telephonically as long as the request and approval is carefully noted for the record. The information disseminated to the third party should also be accounted for in the inmate/supervision file by the probation officer or staff member. If a question arises as to the propriety of disclosure under this regulation in any case, the probation officer or staff member should call the Commission's Office of General Counsel for assistance.

(b) *Congressional Correspondence/Privacy Act. Please review the Commission's Procedures Manual at §2.22.*

(c) *Subpoenas from Federal, State and Local Courts.* When a federal probation officer or Commission staff member receives a subpoena from a federal, state, or local court for the production of file material or the oral disclosure of information on a prisoner or parolee, he or she should consult the Commission's Office of General Counsel as soon as possible for appropriate instruction. Disclosure of such information is regulated by the Department of Justice rules found at 28 C.F.R. 16.21-16.29.

Before information can be divulged, the Chairman of the Commission must consent to the dissemination. The procedure need not be followed where an agent of the Department of Justice, e.g., Assistant U.S. Attorney, is subpoenaing the information since the disclosure is essentially "in-house" and covered as a routine use under the Privacy Act. In the event that permission is not granted, persons to whom such subpoenas are directed should be advised to contact the local United States Attorney's Office to secure its assistance in defending that position.

(d) *Requests from Law Enforcement Authorities.* The Privacy Act specifically allows for the unconsented disclosure of file material (including photocopies) concerning a prisoner or parolee to any federal, state, or local government agency for a criminal or civil law enforcement activity if the head of the agency (or a person who can act for the agency head) makes a written request to the Commission specifying the material desired and the law enforcement activity for which the records are sought. 5 U.S.C. 552a(b)(7). Routine use (d) extends this exception for foreign law enforcement agencies. Thus, agencies as different as a state bureau of investigation, a county sheriff's office, a metropolitan police department, the Internal Revenue Service, a state department of insurance, a local liquor control board or the Royal Canadian Mounted Police may all present valid requests for information under this section.

On occasion, a request which on its face may fall within this exception should still not be complied with unless good cause is shown for the disclosure. For example, a domestic relations agency may seek the file information to compel a parolee to pay child support, which would be a law enforcement activity, especially since continued non-payment may result in criminal prosecution. In this case, disclosure would be appropriate. Yet, if the same agency seeks the information to resolve a child custody dispute, the case probably does not involve law enforcement, but civil litigation regarding the rights of the parents over the child. Routine use (3) would be applicable instead. If in doubt about the proprietary of disclosure in any case, staff should not make the decision without the advice of the General Counsel's Office.

Finally, Commission staff should require the requester to be specific about the type of information sought and the purpose of the request. Requests from governmental agents who apparently have supervisory authority, such as "chief of homicide division," rather than the actual head of the agency, i.e., chief of police, may be responded to without further correspondence on the issue of proper authorization. Staff should divulge only that information which reasonably satisfies the request of the law enforcement agency. Any disclosure made to the law enforcement authority must be documented for the file in order to comply with the accountability requirements of the Privacy Act.

(e) *Public Sector Information/Disclosure to Members of the Press.* Information deemed to be the "public sector" can be disclosed to third parties without the consent of the file subject, unless the information pertains to a "protection" case where minimal or no disclosure is made. Public sector information encompasses the following data: (1) name; (2) register number; (3) past and current places of incarceration; (4) age (i.e., date of birth); (5) race; (6) sentence data on the Bureau's Sentence Computation Record (BP-5); (7) date(s) of parole hearing(s); and (8) the decision(s) rendered by the Commission after agency proceedings including dates of continuances and presumptive parole dates. Note: An inmate's designated future place of incarceration is not public information.

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0482 Apr. 03 2002 11:49PM P33

Marie

The Commissioners agreed that at this poi
the FBI's investigation is not interfering with
the Commission's ability to conduct its busine
and left open the possibility of a grievance to
the Deputy Attorney General if that were to
change.

Ragghianti Exhibit 5

MEMORANDUM

TO: Sharon Gervasoni
Deputy DAEO

FROM: Marie Ragghianti
Chief of Staff

DATE: September 16, 1998

RE: Rosario Gambino Case

Sharon, this is to request your advice on the above-mentioned case. As you know, the FBI has been by here a few times recently (September 1st, 14th & 16th), inquiring about Roger Clinton's interest in this case. It remains unclear why they are exploring this, and whether Gambino himself is involved in wrongdoing.

My concern is that this case be handled as carefully as possible, and that we not impinge inappropriately or unnecessarily on whatever decisionmaking remains in the matter. Should the decisionmaking file include information regarding Mr. Clinton's interest? Should it include the fact of the FBI request to review the file? Should the current hearing examiner recuse himself, since he too has been contacted? Or should the case be continued until such time as the ongoing investigation is concluded?

Also, I think this situation makes clear the need for development of some kind of interim protocol for handling sensitive cases or situations which may require weighing the need or rationale for informing (or not informing) the Chairman and/or Commissioners. Such a protocol might consist of a meeting of our General Counsel, Case Operations Administrator, Chief of Staff, and yourself. Since we have only 3 Commissioners at this time, potential problems which could result from unnecessary recusals seem to call for a speedy resolution, and the immediate implementation of a protocol.

Additionally, Michael & I have discussed the need for a procedure to identify what kinds of information to include (or exclude) from decisionmaking files in the future, again in situations similar to this one.

I am enclosing herewith copies of the memos which Tom Kowalski & I drafted after meeting with Roger Clinton in late December of 1997. After that meeting, Mr. Clinton visited here on 2 other occasions (once in the early Spring, and the last time about 6 or 7 weeks ago), at which times neither Tom nor I made notes, since Mr. Clinton simply seemed to reiterate what he had stated in our original meeting. In short, he introduced nothing new to the record--just "more of same." (Come to think of it, I am not sure that he ever introduced anything new to the record!)

Ragghianti Exhibit 6

Running Commentary on Gambino situation:

September 14th: Consulted with Ray Essex on whether the hearing examiner should be made aware of an ongoing investigation involving, presumably, this case. He thought he should. I also consulted with Sam Shoquist, who agreed that he should. Sam told me that the hearing examiner involved (Sam Robertson) was here, so I went back to tell him, but it turned out that he already knew because they had called him last week (or the week before). After speaking to Sam R., I went to see Michael, who told me that he thought it best that I had not put Tom's & my memoranda in the main (decisionmaking) file, but that we should have made the memos for a separate file. His reasoning was that we wouldn't want to prejudice the case, which was largely the reason I hadn't placed the memos in the main file in the first place. He wasn't sure whether Sam R. should be informed of the investigation, but when I told him they had already contacted him, he seemed a little disconcerted.

September 15th: Spoke briefly to Tom K. today about the need to establish some kind of protocol for decisions about pending investigations in any case before the Commission when an investigation may be ongoing. In this particular case, the Chairman and the COS were not informed that the FBI had been out, because Michael (General Counsel) did not want the Chairman to know. The Chairman & I both agreed that it should not be Michael's unilateral decision to make, and that other executive level staff should be involved with the COS in making such a determination. Tom stated that he thought a statement of protocol should be developed for the USPC Manual.

September 16th: Spoke to Sam Shoquist again today about the above situation, and the need to develop a protocol for handling similar situations in the future. We will probably discuss this at the Sr. Staff Mtg. on Fri., and establish a small working group to clarify the protocol. It appears that when the Commission consisted of 9 Commissioners, there were no problems like this, but in this instance, now that we have only three, it really complicates things when a situation like this arises, and our General Counsel makes a unilateral decision (as he did in this case) that the Chairman should not be informed--nor even the COS. Sam diplomaticaly pointed out how much better it might have been if we had turned this matter over to a case analyst at the beginning, and I must say, I agreed with his reasoning. However, as I reminded him, this is an area that has evidently been a bit opague for awhile. He agreed.

September 17th: Spoke to Michael yesterday afternoon (after yesterday's above entry). We agreed that a protocol should be estblished; also, that he & Sharon should issue some kind of memorandum regarding when memoranda should be included in the decisionmaking file of a case, and when they should be placed with the DAEO. We agreed that I should give Sharon copies of Tom's & my memoranda in the Gambino matter.

Ragghianti Exhibit 7

MEMORANDUM

TO: Marie Ragghianti
Chief of Staff

FROM: Sharon Gervasoni
DDAEO

DATE: September 23, 1998

RE: Your request for advice dated September 16, 1998

I agree with your concern that the Commission handle Rosario Gambino's case in the same fair, impartial manner that it strives to handle all prisoners' cases. What properly belongs in the parole file is any material relating to the official decisionmaking and the official record of that process. The FBI's interest in Mr. Gambino (i.e., that he may be under investigation, for reasons unknown) does not rise to the level of substantial information that the Commission should or may consider in making a parole decision in Gambino's case. If in the future the Commission were to be informed that the investigation had yielded some concrete allegations of conduct by Mr. Gambino that would be relevant to his suitability for release on parole, that information would be properly part of the decisionmaking file. At this time, however, the mere fact that the FBI wished to review Mr. Gambino's file is not a matter that should be placed in the decisionmaking file. (Disclosure of information to the FBI is an intra-agency disclosure and is permissible under the Privacy Act. 5 U.S.C. §552a(b)(1). It is not a disclosure under a routine use.)

I have spoken with the hearing examiner currently doing the prehearing review in Mr. Gambino's case, and have concluded that his recusal is not necessary. Finally, there is no basis for continuing Mr. Gambino's case, as he has a statutory entitlement to his statutory interim hearing in a timely manner. Given that the Commission's prior decision in his case was that it be continued to a 15 year reconsideration hearing, there is adequate time for the FBI to inform the Commission in the event that their investigation yields information regarding Mr. Gambino that is relevant to whether he should be paroled.

In my view, the decisionmaking file should not include information regarding Roger Clinton's interest in the Rosario Gambino case. Mr. Clinton is not Mr. Gambino's representative and does not have a Privacy Act waiver from Mr. Gambino authorizing his access to Gambino's Privacy Act-protected file material. He has previously been invited to reduce his concerns about Gambino's case to a written document (e.g. a letter to Commissioner Simpson), so that his views can be

considered.[1] (Mr. Stover told him this during his telephone conversation with Mr. Clinton in 1996.) He has, to my knowledge, not taken this action, instead engaging in meetings with Commission staff which seem to me designed to influence the decisionmaking process outside of the official record (for example by complaining about allegedly rude treatment by Commission staff members). The fact that he may have attempted to influence the Commission's decisionmaking outside official decisionmaking channels need not become a part of the official decisionmaking record, and indeed in my opinion would potentially taint that record and make an impartial decision more difficult.[2] (In providing advice to Chairman (then Commissioner) Gaines in 1996 about whether he should or must recuse himself from Gambino's case, among my considerations were Commissioner Gaines' statements that he did not know Roger Clinton, that he had declined to speak to Mr. Clinton about a pending case and that he would make his decision solely on the record. If the record had at the time of decision contained Mr. Stover's memorandum regarding his conversation with Mr. Clinton, it would have defeated Commissioner Gaines' attempt to insulate himself from Mr. Clinton's ex parte communication, and potentially undermined the fairness of the decisionmaking process.)

I note the apparently contradictory language in the Commission's Procedures Manual, which states that "visits to the Commission's Office are summarized for the file in all cases." Procedures Manual §2.22-05. I would mention several things with respect to this provision. First, it has been in the Manual for a very long time, since before the advent of the Privacy Act. The provisions of the Privacy Act severely limit what information can be given to a member of the public regarding a prisoner without that person's express waiver of his privacy protection. The Privacy Act has vastly reduced the utility of visits to the Commission's office for persons who do not have such a waiver in hand, as Commission staff must refuse to discuss particulars of the case in which the visitor is interested. See discussion of Privacy Act at pp. 153-157 of the Manual. Second, there is no provision in the Commission's statute or rules entitling any member of the public to a meeting with Commission staff. "Interested parties opposing parole" may appear **at parole hearings** (i.e., as part of the **official** parole decisionmaking process) under circumstances specified in the Manual at paragraph 2.13-11. Finally, the Commission's statute requires it to consider, in making parole decisions, "such additional **relevant** information concerning the prisoner" as may be available. 18 U.S.C. §4207(5)(emphasis added). That Roger Clinton is interested in Mr. Gambino's case is not relevant to his suitability for parole under the criteria of 18 U.S.C. §4206. I think the best way to view the language in the Manual regarding visits is as a guideline for the usual case, but not as a straightjacket which would require the Commission to include something in the case

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[1] The Commission's regulations provide that it may consider "such additional relevant informatin concerning the prisoner...as may be reasonably available" and state that "the Commission encourages the submission of relevant information concerning an eligible prisoner by interested persons".

[2] The Commission's regulations do not provide for meetings by members of the public or prisoners' representative with official decisionmakers (i.e., Commissioners).

file which is not relevant to its parole decision and which could taint the fairness or appearance of fairness of its decision.

Finally, I am not sure what you mean when you refer to an "interim protocol for handling sensitive cases". Perhaps we can discuss your proposal further so I can understand what you have in mind. Mr. Stover is currently working on the advice memorandum you reference.

MEMORANDUM [Confidential Think Piece]

March 19, 1999

On this date at approximately 4:30 pm Tom Kowalski informed me that he had been contacted by Roger Clinton once again. Apparently, Mr. Clinton had called shortly before I stopped by to visit re: other USPC matters. Mr. Clinton stated to Tom that he would be in Washington on Monday, and that he would like to stop by for about 30 minutes. Afterwards, Tom said, he had contacted Jackie Dalrymple to report the call. Tom told me that because Mr. Clinton had managed to catch him by surprise, it had foiled their original plan, and that the new plan now was for him to meet with Mr. Clinton next Tuesday at a nearby restaurant, and that he (Tom) would at that time be wearing a recording device.

I asked Tom what had happened to the original scenario proposed by the Bureau (over my objections), wherein they would have one of their agents pose as a member of our legal staff, and meet Mr. Clinton at the restaurant. Tom said that was evidently no longer feasible, since he (Tom) had been caught off guard by this call. Now, he said, the plan is for him to meet with Roger Clinton himself, wearing a so-called "body bug."

Although I was deeply distressed, I didn't say so to Tom. Instead, I weighed the issues, and determined that--since this was not in keeping with the original scenario which the Commission had voted

on recently--this merited fresh consideration. The more I thought about it, the more concerned I became that the Commissioners' understanding of what was to occur was no longer the plan.

I personally continued to have concerns regarding potential entrapment issues. In spite of the Commission vote to not get involved in the case, I had reservations and concerns that it would be difficult for the Commission to maintain that it wasn't "involved" if one of its senior staff was involved in what appeared to be a sting. Now--when that same staff member appeared to be in line to wear a body bug--it appeared to me even less likely that the Commission could in the future maintain its lack of involvement. I recalled the words of Kevin Olson when Michael Stover & I had called him a few weeks ago, to the effect that they too (the DAG's office) had some entrapment concerns, and that they were watching the situation closely.

I made a decision to go to our General Counsel's office. Once there, I advised him of what had transpired, and that I was extremely concerned that our senior staff member might be wearing a body bug, etc. I told Mr. Stover that I wanted to call the DAG's office again, and try to speak with Kevin Olson (the DAG staff member that we had spoken with originally). Stover objected immediately, asking why I wanted to do that. For several reasons, Michael, I told him. The first reason is that this is NOT the scenario which was presented to the Commissioners recently, and the other reason is my continuing concern re: the Commission itself

becoming a part of what looked to me like potential entrapment. In addition, I told him, I was concerned that the Commissioners had stressed that they did not want the Commission to be actively involved in any sting. Michael said that entrapment should be no concern of mine, and that he thought I should take the matter back to the Commissioners. Michael, I reminded him, they have already emphatically advised that they do not want to be further informed about this matter, since it obviously jeopardizes both their ability to vote objectively, and also because of their wish for the Commission--and therefore them--to NOT be involved in the matter.

So why do you want to call the DAG's office, he asked again. I strongly advise against it. I told him that I wanted to seek their advice re: possible entrapment, especially in light of the fact that they (i.e., Kevin Olson) had expressed concerns themselves re: the possible entrapment issue.

Although he was clearly annoyed, I said Michael, as chief of staff I feel it is imperative that we discuss this further with them (the DAG's office), especially since this plan dramatically excedes the FBI's original plan (which had been presented to the Commissioners).

He was visibly angry, but he placed the call. Within a few minutes, we had Kevin Olson on the speaker phone. When we said what the nature of our call was, Kevin immediately put us on speaker phone on his end, too, where, it happened, Dave Margolis was also

present. Dave Margolis immediately took the lead in what was said on their end of the line.

When I told Margolis my concerns re: entrapment, he said that while it was a prosecutorial concern, in fact, it was not necessarily a concern for the USPC. He conceded that the USPC might be subject to criticism, but that entrapment was not properly our bailiwick. I said that as chief of staff, I had myself spoken with R. Clinton on a couple of occasions, that he had never said anything improper, that he had not even hinted at anything illegal. However, I said, I feel deeply concerned at this juncture that he is being "led down the primrose path . . . " More precisely, I said, he is on a "slippery slope," and I feel that a senior level member of our staff is in effect greasing the slope by asking leading questions and making leading remarks, etc.

Margolis said that if you feel that way, why did the Commission agree to go along. I replied that technically the Commissioners had voted "not to get involved" but that my own concerns were that we were very much involved due to the fact that one of our highest level staff members was integrally involved, etc. I also said that even though the Commissioners had voted, that it was not a unanimous vote, that the Chairman had misgivings, but had deferred to the majority vote of the other 2 members.

Margolis seemed surprised to learn that it wasn't unanimous. He said if they didn't want to be involved, why were they letting the

5

staff person do what he was doing. I said that was because they had been advised that the staff member was acting as "a private citizen." How can you say that, he asked. Who said that? Our General Counsel said it, I responded. . . . whereupon, to my amazement, Mr. Stover interrupted & said "I did not say that"--what I said was that any citizen working for a federal agency is free to cooperate with the FBI as he sees fit.

[I was astonished by Michael's denial, since he had said words to that effect more than once. Referring to minutes of a January 26, 1999 meeting with the Commissioners, Ethics Officer & myself, Stover is quoted as saying that a similar situation had come up in the 80s, and that at that time, the USPC employee had met with General Counsel Stover & the Chairman, and been advised that the decision to tape record a conversation to assist the FBI was a "personal" decision.) Margolis said well, obviously our USPC staff member is not acting as a private citizen--obviously he was contacted solely as a representative of the Commission, and that the Commission has every right to tell its employee what to do about Commission matters. I stated that that had been my opinion from beginning.

I also said that another reason the Commissioners were trying not to block it was that they were concerned about being accused of obstruction of justice. But why would they think that, asked Margolis. Well, our General Counsel advised us of that, I stated. Then to my further amazement, Mr. Stover said no, our chief of

staff is mistaken about that, it was Commissioner Simpson who was concerned about obstruction of justice. (I was flabbergasted by this additional denial of Michael's, but said nothing, as I wanted to continue the dialogue with Margolis.)

[I recalled Stover's repeatedly accusing me of trying to "block" the Bureau's investigation when I said--after our last meeting with Jackie Dalrymple & her boss--that I passionately believed the USPC should not be active participants in any sting operation, especially one which was moving into Commission staff feigning policies & irregular behavior outside our normal conduct. In particular, at the time, I was angry that I had written Mr. Clinton a letter several weeks earlier, telling him that we could not meet with him again, and that he should put further inquiries in writing. And now a member our staff, with Stover's blessing, was not only participating in a sting of Mr. Clinton, but was asking questions (fed to him by Ms. Dalrymple) of Mr. Clinton over the phone such as "What do you want me to do?"--behavior which would never have occurred without the Bureau's interference/intervention into our affairs. Yet our General Counsel was not only defending the Bureau's right to do so, but challenging me on the USPC's right to demur. Again & again, he accused me of wanting to virtually obstruct justice by seeking to "block" the Bureau's investigation. Again & again, I had said Michael, I know the FBI, & believe me, we are not their only investigatory path. We may be the easiest path, but if we don't participate in their sting, they are perfectly capable of coming up with alternate plans. Michael's anger at the

time manifested itself in insolence, the more he accused me of wanting to "block" the investigation.]

At any rate, Margolis returned to the entrapment issue. Again, he said entrapmnent was not a concern for the USPC--a legitimate concern for the Commission, he said, might be the kind of behavior that would "shock the conscience of a free society"--he also said, however, that they themselves (the DAG's office & prosecutors) had some "qualms" about deferring to the Bureau. What they must consider, he said, were 2 questions: (a) is there an appropriate predicate? & (b) is there entrapment?

He also said that neither of them (Olson or himself) endorsed the concept that for the USPC to disallow participation by a staff member would be tantamount to obstruction of justice. He also said that if the Commission decided not to allow participation based on entrapment issues, they would not call that obstruction of justice. But, he reiterated, it is their prosecutors & investigators who have to worry about predicate & entrapment issues, not the USPC.

He also said that the Commissioners don't have to worry about obstruction of justice issues, and that with all due respect to Commissioner Simpson, there are no obstruction of justice issues that he could see, that it was a judgment call for the Commission to make.

Obviously, he said at one point, if the Commission took money or

tried to protect R. Clinton, that would be obstruction, but that "it's a call--a judgment call--(and) I really would not worry about obstruction of justice."

(He did say that it would probably be desirable to record any future meeting with R. Clinton under the circumstances (but he was not referring to our staff member's wearing a body bug).

Michael asked who was reviewing the matter, and Margolis made the statement that it is being reviewed "at an appropriate level."

Toward the end of the conversation, Margolis said that he didn't want us to get the impression that they were factoring in any possible discomfort regarding entrapment, that the extent of USPC involvement (in the proposed sting) was a judgment call for the Commission to make.

The most striking aspects of the conversation were these:

1. Margolis emphasized that while the USPC might be subject to criticism from some quarters, entrapment should not be a concern of ours, realistically--it should be the concern primarily of prosecutors, etc.

2. Margolis made it clear--he was not ambiguous--that Tom is NOT acting as "a private citizen"--that to the contrary, he is clearly acting in his capacity as a senior level staff member of the USPC--

that in fact, that is how & why he was contacted.

3. Finally, and perhaps most importantly, Margolis said more than once that the USPC does not need to be concerned about accusations of obstruction of justice (unless we have criminal intent), that it is a Commission judgment call (whether to participate in the sting).

My concerns at this point are these: The Commissioners have indicated in no uncertain terms that they no longer want to be informed about the matter. They also voted that they do not want the Commission to be involved or to actively participate in a sting of Mr. Clinton. However, since they were advised that Tom was free to participate as a private citizen if he wants to, they believe it is improper for them to tell him what to do (whether to participate in the sting or not). Additionally, they are concerned about any potential for being accused of obstructing justice in the future. They are concerned about this because they have been advised that telling Tom not to participate could be viewed as "obstruction."

Michael is being ingenuous & dishonest by maintaining that he did not compare Tom to a "private citizen." He has repeatedly stated that Tom's decision re: working with the FBI in this matter is a "personal" decision that is his alone to make. I believe this is what led Commissioner to say that he didn't think the Commission should tell Tom what to do.

However, after hearing all that Margolis said, I am convinced that the Commissioners were given poor and misleading advice by our General Counsel. In addition, I believe their apprehensions about the USPC becoming actively involved participants in the FBI sting's are on the brink of materializing.

My recourses appear to be few. Do I once more (for the third time) convene the Commissioners to discuss the matter once again--in spite of their stated wishes not to be further informed (because of the growing possibility/probability that they could all be forced to recuse from voting further on the case in the future)? Normally, this would be my course of action. However, as chief of staff I myself have concerns regarding the advisability of re-opening this matter, not only because they specifically stated their wish to NOT be further dragged into it--but also because of my own concerns that any of even all of them may be forced to recuse as a result. They appear perilously close to that now; the Chairman has already voiced his apprehensions in that regard.

Further complicating my decision is the fact that my conversation with Margolis leads to the conclusion that the Commissioners were not only ill-advised and misled by General Counsel when they voted, but that their vote might have been different had they not been threatened by the specter of being accused of "obstruction of justice." Now that I see that my judgment in this regard has been reinforced by Margolis, I am troubled by the fact that the Commissioners did not know that when they voted.

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0482 Apr. 03 2002 11:56PM P49

Call to UAG's Ofc 3-19-99

M. Ragghianti
M. Stover
D. Margolis
K. Olson

re: entrapment
not say'g wouldn't be criticism

but not concern of USPC

legit. concern of USPC —
kind of behav & would "shock the conscience of free society"

we "have qualms but deferring to Bureau
a) is there appropriate predicate?
b) is there entrapment?

2) not said —

Dave Margolis
Kevin Olson

"neither of us endorses the concept
that for us to (disallow particip by staff member
"would be tantamount to obstruction of justice"..

if Comm decided not to allow participation (based on "entrapment") issues
M) ⇒ he/they would not call & obstruction of

our prosecutors & investigators) 2 worry about predicate & entrapment —

⇒ "but we don't have t

Ragghianti Exhibit 10

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0482 Apr. 03 2002 11:57PM P50

[illegible] of free society

"have qualms but deferring to Bureau:
a) is there appropriate predicate?
b) is there entrapment?

2) not said"

Dave Margolis
Kevin Olson

"neither of us endorses the concept
that for us to (disallow particip by staff members
"would be tantamount to obstruction
of justice"

if Comm decided not to allow
participation (based on "entrapment") issues,
M) ⇒ he/they would not call (obstruction of J
our prosecutors + investigators) 2 worry
about predicate + entrapment

⇒ "but we don't have to worry about obs of [illegible]
(w/all due respect to Comm Simpson)

→ "if there's a mtg, it should be recorded

M: "it's a call - a judgment call - but I really
would not worry about obstruction of justice

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0482 Apr. 03 2002 11:57PM P51

This is be'g reviewed "at an appropriate level"

Don't want us to get impression of they're factor'g in our discomfort — re "entrapment"

[Margolis on supervisory level per MAS]

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0482 Apr. 03 2002 11:58PM P52

aaaaa

Call on 3/19/99.
With Marie R.
MAS
Kevin Olson
David Margolis

Marie R expresses her concern about "Entrapment" of Roger Clinton this Tuesday TK acting under the direction of the FBI and the prosecutors. Even if it is entrapment it is no concern to the USPC. If it's the kind of behavior that would shock the conscience -- but I don't know that you're at that point.

(I didn't say private citizen)

Not with your blessing, you're holding your nose.

* appropriate level of

In any case like this is there an appearance of entrapment, but you don't necessarily approve. ~~You shouldn't~~

If the C— decided to forbid TK from

— Ragghianti Exhibit 11 —

Marie M expresses her concern about "Entrapment" of Roger Clinton thus Tuesday TK acting under the direction of the FBI and the prosecutors. Even if it is entrapment it is no concern to the USPC. If it's the kind of behavior that would shock the conscience -- but I don't know that you're at that point.

(I didn't say private citizen)

Not with your blessing, you're holding your nose.

In any case like this is there an appearance of entrapment, but you don't necessarily approve. ~~You shouldn't~~

(* appropriate level)

If there C—— decided to forbid TK from participation to protect the P, or for money, that would be obstruction of justice. Legitimate concern about entrapment would not be obstruction of justice.

{ Our prosecutors and investigators have to worry about entrapment, but that is not your concern. ; perceptions sure }

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 11, 2002

Elaine J. Mittleman, Esq.
2040 Arch Drive
Falls Church, VA 22043

Dear Ms. Mittleman:

I have received your letter of April 3, 2002, regarding references to Marie Ragghianti in the Committee's report entitled, *Justice Undone: Clemency Decisions in the Clinton White House.* As you were informed, your letter will be included in the additional views that I file, and therefore, will be attached to the final version of the report printed by the Government Printing Office. However, some of the misstatements, mischaracterizations, and material omissions in your letter require a direct response.

Before addressing your substantive charges, I want to note my serious concern that Ms. Ragghianti did not provide the Committee with documents relevant to the Clinton-Gambino matter. Your letter included as exhibits several documents never before produced to the Committee. When Ms. Ragghianti was interviewed on July 27, 2001, she indicated that she might have personal possession of documents relevant to the Committee's investigation. Committee staff asked her to search for those documents and produce them to the Committee if found. Because she orally agreed to search for and provide those documents if located and because she appeared to be cooperating with the Committee's investigation, no subpoena was issued for those documents. Her good faith in this matter was assumed. I was troubled to see that Ms. Ragghianti so belatedly provided the requested documents as attachments to the April 3, 2002, letter.

Since the documents were not produced until this late date, however, and since you represented to my staff that she possesses additional documents relevant to the Committee's investigation, I have issued a subpoena to Ms. Ragghianti for all records related to Roger Clinton or Rosario Gambino. In addition to providing all documents pursuant to that subpoena, please have Ms. Ragghianti answer the following questions in writing by Monday, April 15, 2002:

1. When did you locate the documents responsive to the subpoena?
2. Were copies of those documents ever located in the Parole Commission files? If any were not located in Commission files, identify which documents were not and explain why they were they not?



3. Regarding any documents that were ever located in Commission files, were any original documents removed from Commission files? If so, why were they removed?
4. Did you retain in your personal possession any Parole Commission documents regarding other cases after leaving the Commission?
5. Why did you retain in your personal possession the documents that you retained?

I note that upon being given notice that she would be receiving a subpoena, Ms. Ragghianti faxed to the Committee at approximately 10 p.m., April 9, 2002 (before having been served) an additional 113 pages of documents. Most of these documents had never before been produced to the Committee and are of the utmost importance to the investigation of the Clinton-Gambino matter. Many of the documents record Ms. Ragghianti's thoughts day-by-day on the unfolding FBI investigation of Roger Clinton, and thus provide invaluable insight into her motives, intent, and mindset. They also contain important, contemporaneous corroboration of disputed statements made to Committee staff.[1] I will deal more fully with these new documents in my additional views to the Committee Report. However, the following response is based on your letter and its attachments.

A. The Impropriety of Ragghianti's Meetings with Roger Clinton and Michael Stover's Opposition to the Meetings

Regarding your substantive critiques of the report, your letter claims that the Committee's conclusions regarding Ms. Ragghianti are "based on a number of wrongful assumptions and misperceptions." You first point to an alleged assumption that "it is improper and unusual for Commission staffers to have conversations with private citizens." The report makes no such assumption. Contrary to your interpretation, the concern expressed in the report about Roger Clinton's contacts with Commission staff has nothing to do with the fact that Roger Clinton was

[1] For example, one document establishes rather conclusively that one of Ms. Ragghianti's statements to Committee staff was false. During her July 2001 interview, when Committee staff showed her General Counsel Michael Stover's 1996 memo detailing his phone conversation with Roger Clinton (Chapter Two, Exhibit 42), Ms. Ragghianti denied having ever seen it before. Chapter Two, n.230. However, Michael Stover had told Committee staff that when he learned of her scheduled meeting with Roger Clinton, he had given her a copy to inform her of Clinton's previous attempt to politically pressure the Commission and discourage her from meeting with him. Chapter Two, p. 39. The report simply noted the conflict between Ms. Ragghianti's and Stover's statements without taking a position as to which was more credible. However, a draft e-mail by Ms. Ragghianti provided to the Committee on April 9, 2002, contradicts Ms. Ragghianti's denial and supports Stover's version of events. In the September 23, 1998, draft e-mail intended for ethics officer Sharon Gervasoni, Ms. Ragghianti wrote, "I suppose you are referring to my statement that I felt that Michael S. had been 'gratuitously rude' to Roger C.—an inference I made based on a memo that I believe Michael S. wrote in a memo [sic] for the file (not the decisionmaking file)." Attachment 1. The only memo for the file of any contact between Michael Stover and Roger Clinton that the Committee is aware of is the one Ms. Ragghianti denied ever having seen (Chapter Two, Exhibit 42). Her own contemporaneous, written record in the draft e-mail squarely contradicts her statements to Committee staff and strongly supports Michael Stover's claim that he provided her a copy of the memo. The materiality of her false statement to the report's findings regarding her conduct cannot be overstated. Whether Ms. Ragghianti had actual notice of Roger Clinton's appalling effort to pressure Stover in 1996 is critical in assessing her motive and intent in allowing a series of staff contacts with Roger Clinton subsequent to his initial misconduct. Ms. Ragghianti's contention that she had not seen the Stover memo made it plausible to claim that she was unaware of Clinton's previous misconduct, and therefore, that she merely wanted to treat Clinton like any other member of the public. In light of this new documentary evidence, that claim is no longer credible.

a private citizen. Rather, the central issue was that he was the brother of the President of the United States and that he had specifically used his brother's name to pressure Commission staff, claiming that the President had suggested he meet with Commissioner Gaines.[2] Such a meeting would clearly have been improper, and yet Roger Clinton repeatedly appealed to his brother's authority to justify requests for meetings with Commission members. It is in that context that the report is critical of Ms. Ragghianti's willingness to engage in a series of contacts with this particular private citizen. Roger Clinton's persistent attempts to exert improper political influence should have led Ms. Ragghianti to avoid contacts with him. She should have adopted General Counsel Michael Stover's advice against staff contacts with Clinton and reiterated that advice to Commissioner Gaines.

Your letter further claims that, "the Report includes no memoranda or other documentation indicating that Stover advised Ragghianti that she should not meet with Clinton." On the contrary, the report contains numerous citations to the interview of Michael Stover, wherein he clearly and credibly described his efforts to discourage Ms. Ragghianti and Tom Kowalski from meeting with Roger Clinton. According to Stover, he also advised Commissioner Gaines "as a matter of prudence that it was not a good idea to meet with a man who had previously attempted to use political influence in an improper way."[3] Stover's account is convincing, especially in light of Ms. Ragghianti's own statements in her interview with Committee staff. Ms. Ragghianti indicated that after the first meeting, she had a discussion about it with Michael Stover because she "knew he was unhappy that she met with Roger Clinton."[4] Ms. Ragghianti's response to Stover's concerns are also discussed in the report.[5] Unfortunately, rather than crediting Stover's advice or acknowledging that his previous experience with Clinton might be informative or even pertinent, Ms. Ragghianti, "wrote it off as someone who was all too eager to be rude and brusque."[6] Accordingly, there is ample evidence that Stover in fact advised against meeting with Clinton. Given her previous statements regarding Stover's advice, it is odd and troubling that you would now attempt to cast doubt on whether he actually gave that advice.[7] Whether Stover ever put his advice against meeting with Clinton in writing is irrelevant. Stover's advice was not based on a general legal conclusion that any such meeting with a private citizen would be improper, but rather on his previous experience with Roger Clinton in particular. Stover's opposition to further staff contacts with Clinton was rooted in a prudential concern about the appearance of impropriety given Clinton's behavior before Ms. Ragghianti came to the Commission. The advice was sound and should not have been written off so lightly. Ms. Ragghianti also dismissed Stover's advice (as does your letter) by reference to her position as his

[2] Chapter Two, p. 35-37.
[3] Chapter Two, p. 39.
[4] Interview with Marie Ragghianti (July 27, 2001).
[5] Chapter Two, p. 45-46.
[6] Interview with Marie Ragghianti (July 27, 2001).
[7] The unqualified assertion, on page four of your letter, that Ms. Ragghianti "was not advised by Stover that she should not meet with Clinton," is squarely contradicted by Ms. Ragghianti's statements to Committee staff during her interview. As discussed above and in the report, not only did Ms. Ragghianti acknowledge Stover's opposition to her meetings with Roger Clinton, she also questioned the motives for his opposition. She suggested that Stover was merely upset because her meetings with Clinton occurred without his knowledge and that, consequently, Stover's concerns about future meetings came from a feeling that "he had been ignored." She also suggested that Stover was motivated to oppose the meetings merely because, "he didn't like Roger Clinton." Chapter Two, p. 45-46.

superior. Of course, the report's criticism of Ms. Ragghianti has nothing whatever to do with any inference that she was required to inform Stover of her meetings or submit to his view of what would be prudent. Rather, the criticism rests on the judgment that Stover's advice was sound, that his position and personal experience with Clinton made his advice valuable, and that his role as legal advisor to the Commission qualified him to offer such advice. Accordingly, to accept this advice given in this context would demonstrate good judgment, but to reject it demonstrates poor judgment.

In further support of your contention that the meetings with Roger Clinton were proper, you also cite the Parole Commission Procedures Manual provisions that anticipate contacts with private third parties and describe the policies to be followed regarding such contacts. As explained earlier, Roger Clinton's status as the President's brother and paid representative of a known organized crime figure is what made his contacts improper, not that he was a private citizen. However, it is ironic that you would cite these procedures given that Ms. Ragghianti did not follow them. Specifically, section 2.22-05 states, "visits to the Commission's Office are summarized for the file in *all* cases" (emphasis added). As described in the report, Ms. Ragghianti did not memorialize her second and third meetings with Roger Clinton for the file until after she learned the FBI had begun investigating his contacts with the Commission, and then she only referenced them in passing.[8]

B. Ragghianti's Special Treatment of Roger Clinton

You further claim that the report is "subjective and conclusory" in stating that Ms. Ragghianti "treated Roger Clinton like a celebrity an gave him access that she never would have afforded a member of the general public." Of course, this statement is not conclusory, because the supporting evidence is detailed exhaustively in the report. In fact, you cite to those very portions of the report in the course of your efforts to refute the supporting evidence. For example, you claim that the report's description of Ms. Ragghianti's "warm approach" to Clinton is unsupported by any citation to evidence. However, the page that you cite (Chapter Two, p. 40) contains four direct quotations from Ms. Ragghianti regarding her impressions of Roger Clinton, and each is clearly footnoted. Ms. Ragghianti marveled at Roger Clinton's charisma, described him as "downright engaging," and said she had "connected" with him on a personal level because they had both recently lost their mothers. These sentiments fall well within what reasonable people would describe as "warm." Moreover, in Ms. Ragghianti's memo regarding the December 23, 1997, meeting with Clinton, she described Roger Clinton as "articulate" and said that he "appeared to be a genuinely caring person, not only for the 3 individuals he was seeking advice for, but in general."[9] Incredibly, your letter actually faults the report for describing these statements as sympathetic to Roger Clinton. However, the report's characterization of Ms. Ragghianti as sympathetic to Clinton remains unquestionably supported by the evidence, especially by contrast to the memoranda written by Michael Stover and Tom Kowalski.

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[8] *Id.* at 45.
[9] *Id.* at 41.

It is interesting that your citation of the Parole Commission Procedures Manual provides further evidence supporting the report. In section 2.22-04, the manual states, "the general content of *all* telephone calls made *or received* relative to a prisoner is to be made a part of the written record" (emphasis added). Once again, Ms. Ragghianti apparently did not follow Commission procedures when receiving telephone calls from Roger Clinton, as the Committee has received no documents indicating that she memorialized those telephone conversations in writing. You claim that, "the number of times that Clinton may have called Ragghianti's telephone number does not show how many times an actual conversation occurred between Ragghianti and Clinton." Regardless of the exact number of times they actually spoke, Ms. Ragghianti admitted in her interview with Committee staff that she had given Roger Clinton her home telephone number and had spoken to him by phone. Moreover, her statements are corroborated by Roger Clinton's telephone records, which indicate not only the number of calls but the length of those calls.

Furthermore, section 2.22-05 of the Procedures Manual states that "all personal visits will be made upon *written* requests where possible and will be handled by the *appropriate analyst*" (emphasis added). Contrary to this policy, Roger Clinton was granted three meetings with the Commission's Chief of Staff despite his repeated refusal to make requests in writing. It is reasonable to conclude that any other member of the public would have been, or should have been, referred to "an appropriate analyst" rather than being granted audiences with the Commission's highest ranking staff member. It is also reasonable to conclude that any other particular member of the public who had repeatedly refused to follow Commission policies and procedures would have been, or should have been, denied further meetings. This would be especially true if the Commission's General Counsel had advised against further meetings with that particular individual because of past attempts to exert improper influence. For anyone to ignore or oppose the Commission's General Counsel under these circumstances suggests an extraordinary effort to allow the President's brother access to Commission personnel where denial of such access to any other member of the public with a similar history would have been imminently sensible.

C. Ragghianti's Behavior after Learning of the FBI Investigation

You letter describes the report's observation that "once the FBI began its investigation, [Ragghianti] suddenly agreed with Michael Stover's longstanding advice to stop meeting with Clinton"[10] as "outrageous" and "filled with innuendo." In actuality, it is nothing more than a statement of fact supported by the record. Ms. Ragghianti's October 26, 1998, letter to Roger Clinton was sent after she learned of the FBI investigation, and it does adopt Stover's opposition to a continued series of staff contacts with Clinton. The policy as stated in the letter is inconsistent with Ms. Ragghianti's past behavior as well as your current claim that there was nothing inappropriate about her meetings with Roger Clinton. The letter stated, "our policy also restricts the ability of Commission *staff* from engaging in any continued *series* of calls or discussions on official matters that are not in the contexts of an agency proceeding."[11] The

[10] *Id.* at 47.
[11] *Id.* (emphasis added).

Committee has reviewed no evidence indicating that before sending this letter Ms. Ragghianti had ever informed Roger Clinton that there was a policy against staff engaging in a series of calls and discussions outside an agency proceeding. In fact, Ms. Ragghianti had actually engaged in a series of meetings inconsistent with this policy. Given that she had met with Clinton three times, had attacked Stover for opposing such meetings, and has continued to defend the propriety of the meetings even today, it is reasonable to note that she signed the letter curtailing future contacts only in the midst of an FBI investigation. Based on these facts, reasonable people could draw negative conclusions about Ms. Ragghianti's decisionmaking.

D. Ragghianti's Attitude Toward the FBI Investigation

Contrary to your assertions, the report does not assume that the Parole Commission has "a duty to permit the FBI" to use its resources to "conduct undercover or sting operations." However, it does assume that the default position of any government agency should be to cooperate with the FBI. It further assumes that any objection by government employees to cooperating with the FBI should be rare exceptions based only on compelling government interests that cannot be reconciled with the law enforcement objectives. As detailed in the report, the evidence suggests that Ms. Ragghianti's resistance to FBI proposals were based not on any compelling Parole Commission interest, but rather on misguided concerns about entrapment and the propriety of surreptitious recordings — concerns which were well outside her expertise and authority.

The report does not claim, as you asserted, that "any hesitation" to participate in an FBI undercover operation is "obstruction of justice." The report merely describes Ms. Ragghianti's reaction to the FBI's requests, contrasts them with those of Stover and Kowalski, and illustrates how her opposition prevented the FBI's first and best plan from being implemented. The heart of the criticism is not that Ms. Ragghianti failed to do what she was required to do. Rather, it is that she should have aspired to more than just avoid obstructing justice. As a government employee, and specifically as a senior employee of the Department of Justice, Ms. Ragghianti should have been eager to do everything permitted by law to assist the FBI.

Your letter refers to "another absurd conclusion" of the report regarding the discussion of comments Ms. Ragghianti made regarding Tom Kowalski upon hearing a voice mail left for him by Roger Clinton.[12] The statement you referred to was, "it is telling that Ragghianti thought Kowalski would need some sort of secret motivation to work with the FBI."[13] According to your letter, this statement was "based on conjecture and misinterpret[ed] a friendly jest between co-workers." The jest was Ms. Ragghianti's statement, "My God Tom, what do you two have going?"[14] Contrary to your assertion, the report plainly identifies the statement as having been made "jokingly."[15] More importantly, however, the comment about Ms. Ragghianti's view of Kowalski's motives is not based on the jest. As the report clearly states, Ragghianti "believed Kowalski was embarrassed by the message and that is why he ultimately cooperated with the

[12] *Id.* at 49.
[13] *Id.*
[14] *Id.*
[15] *Id.*

FBI."[16] This statement is footnoted, citing to Ms. Ragghianti's interview with Committee staff. It refers to what she explicitly told Committee staff in that interview and is not an extrapolation from her jest to Kowalski. Accordingly, the only conjecture involved was Ms. Ragghianti's own in speculating about Kowalski's motives for cooperating with the FBI. I still find it telling that Ms. Ragghianti would assume that a government employee would need to be embarrassed into cooperating with a legitimate law enforcement inquiry. Her comment is another indication of her reflexive opposition to Commission cooperation with the FBI.

E. The Chronology of the FBI Proposals

Your letter claims that the report confuses the chronology of the various FBI proposals. According to the report, upon hearing Roger Clinton's voice mail messages for Kowalski and Ragghianti, the FBI formulated a plan whereby Kowalski would set up a meeting with Clinton at a local restaurant and introduce him to an undercover agent posing as a Commission staffer.[17] The FBI agent would then handle future contacts with Clinton.[18] Your letter claims that this was not the initial FBI proposal, but that it was the "third or fourth revision of a plan to tape record Clinton." This claim is squarely contradicted by Ms. Ragghianti's own statements in her interview with Committee staff, which formed the basis of the chronology presented in the report. If you will review the section of the report discussing the request to have an agent pose undercover, you will see that the factual propositions are clearly cited to Ms. Ragghianti's interview.[19] In attempting to undercut the report, and Ms. Ragghianti's earlier representations, you attached to your letter and cited several documents not previously provided to the Committee.[20] However, these documents actually contradict your position and provide further support for the report. For example, in the March 19, 1999, memorandum entitled, "Confidential Think Piece," Ms. Ragghianti wrote, "I asked Tom what had happened to the *original scenario* proposed by the Bureau (*over my objections*), wherein they would have one of their agents pose as a member of our legal staff, and meet Mr. Clinton at the restaurant."[21] This document provides contemporaneous written corroboration of Ms. Ragghianti's initial statements in her interview as detailed in the report. It establishes that the FBI's original plan was indeed to have an undercover agent pose as Commission staff in a meeting at a restaurant and that Ms. Ragghianti opposed that plan.

Incidentally, this plan required the least involvement by the Commission. That Ms. Ragghianti opposed it undermines the claim that she was motivated by a desire to minimize Commission involvement and ensure that Commission business was conducted normally. Her opposition to the FBI's plan actually led to deeper involvement by the Commission. Rather than allowing an undercover agent to pose as Commission staff, through her objections, Ms. Ragghianti forced Commission staff to essentially act as an undercover agent. Rather than have

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[16] *Id.*
[17] *Id.* at 49-50.
[18] *Id.*
[19] *Id.*
[20] It seems unusual that Ms. Ragghianti had apparently kept Parole Commission documents in her personal possession after leaving the Commission, that the Parole Commission did not produced many of these documents, and that despite requests, Ms. Ragghianti also did not provide these documents to the Committee until now.
[21] Ragghianti Exhibit 9 (emphasis added).

a surreptitious recording made at a restaurant, instead the recording was made in the Parole Commission offices. That is a far greater level of Commission involvement than the FBI had originally proposed. Under the original FBI proposal, all the Commission had to do was facilitate the introduction of Roger Clinton to an undercover FBI agent. After that point, the FBI agent could manage the contacts with Clinton, thereby serving the Parole Commission's interest in insulating itself from further involvement.

F. The Impact and Motivation of Ragghianti's Opposition

You further charge that the report improperly speculates about Ms. Ragghianti's motivation for opposing cooperation with the FBI and about whether her opposition had any real impact on the FBI investigation. The report's comments about the impact of her opposition to the undercover plan are not speculation, but rather are based on the opinion of law enforcement sources who worked on the Clinton-Gambino matter. To the extent that she was successful in preventing the Commission from redirecting Clinton's contacts to an agent posing as a Commission staffer, she hindered the investigation because in the opinion of sources cited in the report, "undercover contacts with Clinton were exactly the thing that the case was missing."[22]

Regarding comments about Ms. Ragghianti's motivations for opposing cooperation with the FBI, you charge that the report is "profoundly offensive." However, the report does not actually take a position on what Ms. Ragghianti's motivations were. It merely raises the question as to why, in light of all the evidence, was she so consistent in her opposition to cooperation with the FBI. She was concerned that the FBI investigation was a "witch hunt" and opposed surreptitious taping by reference to the "Linda Tripp debacle."[23] Clearly, she was predisposed to assume the worst about the motives and intent of the FBI. The report merely mentions the range of probable motives for her predisposition, without adopting any in particular: "at best, she was not objective" and "at worst, Ragghianti may have been trying to protect Roger Clinton."[24] Given the evidence, your contention that "Ragghianti was placed in the middle of a complex situation and she worked diligently to facilitate the FBI investigation" is simply not plausible. The formulation in the report is more supported by the totality of the evidence and is far from offensive since it states the possibility that she was merely "not objective" with no more force than that she was "trying to protect Clinton."

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[22] Chapter Two, p. 51.
[23] *Id.* at 51-52.
[24] *Id.* at 50.

Although, I disagree with all of the criticisms in your letter of April 3, 2002, I will nevertheless include a copy of your letter as an attachment to the final report.

Sincerely,

Dan Burton

Dan Burton
Chairman

Attachment

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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ADMITTED IN D.C., NOT ADMITTED IN VIRGINIA

April 15, 2002

The Honorable Dan Burton
Chairman
House Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Your letter dated April 11, 2002

Dear Representative Burton:

This is a response to the questions posed in your letter dated April 11, 2002. You asked that the following questions be answered by April 15, 2002. I had an oral argument on April 15, 2002, in St. Louis and am therefore submitting this letter after that court obligation was completed.

You stated in your letter that, when Ms. Ragghianti was interviewed on July 27, 2001, she indicated that she might have personal possession of documents. According to your letter, the Committee apparently did not issue a subpoena because of the Committee staff's assumption that Ms. Ragghianti would provide the documents if located.

Ms. Ragghianti submits that the only document that was requested at the July 27, 2001, interview was the handwritten note by Michael Stover about a telephone call on March 19, 1999. Ms. Ragghianti believed that Mr. Stover had at least one copy of that document, because she had watched him copy the document on March 19, 1999.

When the Committee staff did not call her back to inquire about the note, she assumed that the note was not significant or possibly that the Committee had obtained a copy of the note from Mr. Stover.

It appears that the Committee assumed that it had all pertinent documents by obtaining official Parole Commission documents. The Committee Report does not indicate that the Committee staff asked individuals at the Parole Commission, such as the Commissioners and General Counsel Stover, whether they had personal files on the Roger Clinton/Rosario Gambino. As a result, it is entirely possible that there are other documents on the Roger Clinton/Rosario Gambino matter that the Committee has not seen.

Following is Ms. Ragghianti's response to your questions.

EXHIBIT
7
PDNGAD-Bayonne,NJ

1.
Q. When did you locate the documents responsive to the subpoena?

A. This question implies that there was an outstanding document request for documents responsive to the subpoena. The subpoena was not issued until April 11, 2002. As noted in your letter at page 2, Ms. Ragghianti faxed to the Committee at approximately 10 p.m. on April 9, 2002, an additional 113 pages of documents.

2.
Q. Were copies of those documents ever located in the Parole Commission files? If any were not located in Commission files, identify which documents were not and explain why they were not?

A. This question does not identify what files are considered to be "Parole Commission files." Moreover, Ms. Ragghianti has not been an employee of the Parole Commission since December 2000. She does not have first-hand knowledge at this time of what documents were in Parole Commission files. It would appear that copies of the documents were in Parole Commission files if those copies had been produced to the Committee by the Parole Commission.

It is possible that handwritten notes and memos to the file, including those involving telephone conversations, were not in Parole Commission files. For example, the handwritten note by Mr. Stover about the March 19, 1999, telephone conversation apparently was not in Parole Commission files because it appears that that note had not been previously provided to the Committee. In addition, it is not clear that copies of Parole Commission e-mails are included in Parole Commission files. It is also not clear that the Committee has requested that pertinent Parole Commission employees provide copies of e-mails to the Committee.

3.
Q. Regarding any documents that were ever located in Commission files, were any original documents removed from Commission files? If so, why were they removed?

A. This question is not limited to Ms. Ragghianti's personal knowledge. This question also does not identify what files are considered to be "Commission files." If the implication of this question is that Ms. Ragghianti wrongfully removed original documents (such as the Stover handwritten note) from Commission files, there is no predicate for this question. Mr. Stover surely was aware of his March 19, 1999, handwritten note and presumably had a copy as well.

4.
Q. Did you retain in your personal possession any Parole Commission documents regarding other cases after leaving the Commission?

A. It is not clear that this question is asking for information about the Roger Clinton/Rosario Gambino matter. Ms. Ragghianti has retained copies of documents in another sensitive Parole Commission matter.

5.
Q. Why did you retain in your personal possession the documents that you retained?

A. Ms. Ragghianti believes that those employees with significant responsibility at the Parole Commission likely kept personal files, such as personal notes to the file.

Representative Burton, Ms. Ragghianti has worked diligently to assist your Committee and to answer these questions in the short time available.

Sincerely,

Elaine Mittleman

quinn emanuel los angeles
865 South Figueroa Street, 10th Floor | Los Angeles, California 90017 | TEL 213-624-7707 FAX 213-624-0643

trial lawyers

April 4, 2002

VIA FACSIMILE
AND OVERNIGHT MAIL

Hon. Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Additional Views Re Report Entitled "Justice Undone: Clemency Decisions in the Clinton White House"

Dear Congressman Burton:

Our firm represents the Hon. Leroy D. Baca, Sheriff of Los Angeles County, in connection with your Committee's investigation of the circumstances surrounding numerous "eleventh hour" pardons and commutations by President Clinton in January 2001. Sheriff Baca was interviewed by Committee counsel in June 2001 in connection with the commutation of Carlos Vignali, and there are references to Sheriff Baca in the above-referenced report ("Report"), which was prepared by your Committee counsel, approved by the Committee and released on or about March 20, 2002. We understand that the Committee will be considering "Additional Views" further to the Report on April 8, 2002, and we respectfully request that this letter be made part of the official record at such time.

As discussed herein, the Report contains statements, findings and conclusions regarding Sheriff Baca that are false and misleading. This letter first addresses certain flaws in the process



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whereby the Report was prepared, and then describes the Report's shortcomings related to Sheriff Baca.

The Committee Counsel's Investigation Was Flawed

It should first be noted that at all times Sheriff Baca cooperated fully with your Committee counsel's investigation. He was interviewed by Committee counsel on June 22, 2001. At that time, given the fact that the interview was being conducted over the telephone and that it addressed matters going back several years, we requested that prior to finalizing the Report, Committee counsel share with us any draft portions that related to the facts covered in Sheriff Baca's interview. As you no doubt know, this is customary in independent investigations and is even required in some such circumstances. The practice is a prudent one--it provides an additional check and balance to ensure the accuracy of the Report. For some reason, Committee counsel rejected our request, essentially stating with no further explanation, "We will not do that." Of course, had Committee counsel shared drafts of the pertinent portions of the Report with us, the inaccuracies addressed below might have been avoided. Even more troubling, though, is the fact that Committee counsel apparently did release portions of an advance draft of the Report to at least one person, with a request that that person review the draft for accuracy. (See enclosed copy of letter dated February 25, 2002 from Committee Counsel Pablo Carillo.) Sharing draft portions of the Report with some parties but not others suggests that Committee counsel's goal was not fairness or accuracy, but rather some pre-determined conclusion. The Committee may not have been aware of this selective release of portions of the draft Report, so you may wish to question Committee counsel on the record to determine with whom Committee counsel shared the draft report, why this selective release occurred and whether others in addition to Sheriff Baca requested the same opportunity but were refused.

Further, Committee counsel has refused to release the memoranda of interviews that purportedly support the Report's findings. (Although the Report cites to numerous interviews in footnotes, Committee counsel has informed us that they will not release any memoranda or notes of interviews.) Without the disclosure of the underlying evidence, the Report is simply a conclusory narrative with no factual support. It is customary to make available transcripts of any testimony and memoranda of interviews and any other evidence underlying a report of this kind. Only then can the public determine whether the Report's findings are supported by the evidence, and the failure to produce the evidence here clearly undercuts the credibility and relevance of the Report. Even should the Committee determine for some reason to not publicly release Committee counsel's interview memoranda, notes, etc., we respectfully request that you provide any such materials relating to Sheriff Baca, to us.

Finally, at the same time the Report criticizes certain public officials for what amounts to misconduct, Committee counsel themselves appear to have violated certain legal provisions regarding the confidentiality of criminal investigative reports. Committee counsel appears to

have improperly obtained copies of investigative reports from the State of California, Bureau of Narcotics Enforcement, in violation of state law and policy. See, e.g., California Government Code Section 6254; California Attorney General Criminal Intelligence File Guidelines (intelligence information should be accessed only on a strict need-to-know basis). The irony here–that Committee counsel, in its zeal to root out poor judgment in connection with the Vignali commutation, would itself exercise such poor judgment-is apparently lost on Committee counsel, but it should not be lost on the Committee. The Committee should inquire of Committee counsel the legal basis for its acquisition and publication of confidential criminal intelligence materials, and what steps, if any, Committee counsel took to ensure compliance with applicable legal and ethical requirements in conducting its investigation.

Perhaps because of the flaws in the process described above, or for the same reasons the flaws occurred, the Report makes significant errors and several of its conclusions are simply dead wrong. As detailed below,

- Sheriff Baca at all times opposed clemency for Carlos Vignali;
- Sheriff Baca refused to write a letter supporting clemency for Carlos Vignali and never initiated any contact with the White House;
- Only the White House could determine to grant or deny Vignali's clemency request, and Sheriff Baca was unaware of the criteria used to make such determination;
- There is no evidence to support the Report's absurd finding that Sheriff Baca actually supported clemency but wished to avoid a "paper trail;"
- Hugh Rodham and White House counsel misrepresented Sheriff Baca's position for their own interests; and
- Contrary to the Report, Sheriff Baca had no knowledge of any alleged misconduct by Horacio Vignali and the Report's suggestion that he had constructive knowledge of statements in confidential DEA investigative reports evidences a fundamental misunderstanding of law enforcement policies, procedures and ethics.

These issues are addressed separately below.

Sheriff Baca Opposed Clemency for Carlos Vignali

At the heart of the Report's findings is the assertion that Sheriff Baca supported clemency for Carlos Vignali and knew or should have known that his actions would be construed as supporting clemency. This assertion flies in the face of the undisputed fact that Sheriff Baca opposed clemency, believed Vignali was guilty and believed he should serve his sentence. Although it is the subject of only a vague reference in the Report, Sheriff Baca described vividly for Committee counsel how he told Horacio Vignali in no uncertain terms that his son was guilty, that he should serve his time and that Horacio Vignali should "get over it." When Horacio Vignali asked the Sheriff to write a letter supporting clemency, he flatly refused. The Report thus ignores a fundamental distinction between Sheriff Baca and the other public figures who were involved in this episode--Sheriff Baca never supported clemency for Carlos Vignali.

Sheriff Baca Refused to Write a Letter Supporting Clemency and Never Initiated Any Contact with the White House

After skipping over the evidence establishing that Sheriff Baca did not support the Vignali commutation, the Report then creates the misleading impression that Sheriff Baca actively sought to advocate on behalf of Carlos Vignali's clemency application. The Report should make clear that as a matter of fact, this never happened. Sheriff Baca never asked the White House or the Department of Justice to give favorable consideration to the application, or even to review the case, as did the other public figures who communicated with the White House regarding this matter.

As Sheriff Baca told Committee counsel repeatedly in his interview, he told Horacio Vignali that he was "wasting his money" in pursuing clemency, and that Mr. Vignali should accept the truth about his son's crimes and sentence. Sheriff Baca did write a letter in 1996 to request a prison transfer to an institution closer to Los Angeles, and then a second letter in December 2000 attesting to the Sheriff's then-opinion of Horacio Vignali's trustworthiness. But as Sheriff Baca explained to Committee counsel when he gave this letter to Horacio Vignali, Mr. Vignali told the Sheriff, "I can't use this. This doesn't do me any good. I won't use this."[1] Because it appears the letter never was provided by Mr. Vignali to the White House, it had absolutely no causal nexus to the commutation. Committee counsel was not even in possession of this letter until we produced a computer print-out of the letter shortly before Sheriff Baca's interview! Indeed, as the Report notes, White House counsel believed the Sheriff was unwilling to write a letter in support of the application. Further, unlike several other public officials, Sheriff Baca did not initiate a call to the White House to lobby on behalf of the Vignalis--he only spoke to the White House in response to a call he received from the White House Counsel's office, which as described below

[1] Like many others that disprove Committee counsel's hypothesis, these facts appear nowhere in the Report.

appears to have been the result of misrepresentations by Hugh Rodham about the Sheriff's position.

Only the White House Could Act on the Application and Sheriff Baca Was Unaware of the Relevant Criteria

The Report inexplicably dismisses statements by the Sheriff to the effect that the determination whether to grant a commutation of sentence for Carlos Vignali was one only the White House could make. This was of course exactly the case--the determination was within the sole discretion of the President and Sheriff Baca had never had cause to learn of the legal or policy criteria used to make such determination, either generally or specifically by the Clinton Administration. Indeed, the ostensible basis for your Committee's Report is to examine these very procedures and protocols. When contacted by White House counsel, the Sheriff (who of course was unaware that his position had been misrepresented by Mr. Rodham) responded with appropriate deference to the White House in this regard, and the inference that this somehow constituted tacit advocacy on behalf of commutation is baseless.

There Is No Evidence to Suggest That the Sheriff Sought to Avoid a "Paper Trail"

In another disturbing misstatement, the Report suggests that the reason Sheriff Baca refused to write a letter supporting clemency was to avoid a "paper trail." First, the Sheriff did writer two letters on behalf of Horacio Vignali, which in and of itself shatters any claim that there was any concern about a "paper trail." Moreover, the Sheriff himself produced to Committee counsel a computer print-out of the December 2000 letter, which they did not have--conduct clearly inconsistent with trying to avoid a "paper trail." Finally, the officials who supported clemency said so--in writing and/or orally. Sheriff Baca never did. His position was always clear, both with Horacio Vignali and those with whom he spoke in Washington--he never said he supported commutation; he said that only the President could make that determination based on criteria unknown to the Sheriff; and he said Horacio Vignali was someone who in the Sheriff's experience was trustworthy. Not even Machiavelli would believe that this consistent message by Sheriff Baca was actually intended to somehow constitute advocacy on behalf of Carlos Vignali. As his lifelong record shows, it is undisputed that Sheriff Baca is honest, straightforward and plain-spoken, and his statements here--with Horacio Vignali, with Hugh Rodham, with the White House, and with Committee counsel--were consistent with his character in this regard.

Hugh Rodham and the White House Misrepresented Sheriff Baca's Position to Their Own Ends

When one objectively considers the facts alleged in the Report, the only conclusion supported by the facts, common sense and reason is that Hugh Rodham and the White House counsel's office misrepresented the Sheriff's position for different but related reasons. Mr. Rodham wanted a commutation for his client and Sheriff Baca's support--had it existed--clearly would have been

helpful. The White House wanted to shield itself from the inevitable criticism that would result when it granted clemency to a convicted cocaine dealer who had failed to accept responsibility but was represented by the President's brother-in-law. Although the Report makes note of these factors, it disappointingly fails to examine the evidence regarding Sheriff Baca's actions in that context.

When Sheriff Baca returned a phone call and spoke briefly by telephone to a White Counsel staff member (apparently, Dawn Wooten), he was unaware whether his letter had been provided to anyone or not, and he certainly had no reason to believe that anyone had falsely represented that he supported the Vignali clemency application. At places, the Report shows that White House counsel actually gained their understanding of the Sheriff's purported "support" position not from anything Sheriff Baca said, but rather from Hugh Rodham, whose motives to misrepresent are self-evident, who refused to speak with Committee counsel, who according to the Report made a series of other "serious misrepresentations" in arguing in support of the clemency application to Bruce Lindsey[2] and whose character the Report calls into question.[3] (In his interview, Sheriff Baca explained how he told Mr. Rodham that he had nothing to say regarding Carlos Vignali or the clemency application. Again, the Report deletes any reference to these facts.) Elsewhere, the Report purports to cite to Dawn Wooten's recollection of her brief conversation with the Sheriff, which recollection itself appears to be inconsistent.[4] Whereas Wooten spoke to Rodham at least five times, she had only one brief conversation with Sheriff Baca during a period of intense activity in her office, and she apparently has no independent recollection of this conversation apart from a handwritten note she prepared to Bruce Lindsey that "reflects" her conversation with the Sheriff. However, the note apparently does not indicate the source of the information contained therein and it is consistent with the false statements Mr. Rodham had made to her and to Mr. Lindsey. It is virtually certain that Ms. Wooten is unable to determine whether her impression of Sheriff Baca's position actually came from him, or from Mr. Rodham's repeated misrepresentations. Unfortunately, it appears that Committee counsel did not wish to explore this conflict in the evidence and Ms. Wooten's memory was never tested with vigorous questioning from an unbiased professional. At a minimum, Ms. Wooten and Sheriff Baca appear to have been talking past one another, with Ms. Wooten assuming that what Mr. Rodham had told her was true; or perhaps Ms. Wooten's statements are part of the attempt by the truly responsible parties to use "the support of . . . Baca as a fig leaf to rationalize its decision."[5]

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[2] Report at 49.

[3] Report at 57.

[4] See, e.g., Report at 53.

[5] Report at 40.

As the Report concludes, White House staff clearly has a motive to seek to shift responsibility for this episode from themselves and Mr. Rodham, so Ms. Wooden's statements must be examined with much scrutiny. As noted above, however, neither her statements to Committee counsel nor any record of her statements have been made available for review.

The totality of the evidence supports Sheriff Baca's clear recollection that 1) he had an extremely brief conversation with a White House counsel staff member, 2) he never told the staffer that he supported clemency for Vignali, 3) no reasonable person in the position of the White House staff member with whom he spoke could have concluded that he supported clemency, and 4) he truthfully told the White House staff member that only the President was in the position to consider the merits of the application, because he and not Sheriff Baca had the relevant data and knew the process for considering commutations. Although this conclusion may not be as a salacious as the ones the Report stretches to make, it has the advantage of being accurate.[6]

The Sheriff Had No Knowledge of Alleged Misconduct by Horacio Vignali

Sheriff Baca was unaware until very recently of any "allegations" regarding misconduct by Horacio Vignali. The Report misleadingly suggests that Sheriff Baca should have known of certain statements contained in DEA-6's, i.e., confidential investigative reports from the Drug Enforcement Administration, that were in the possession of California Department of Justice agents, regarding Horacio Vignali.[7] It clearly would have been inappropriate for Sheriff Baca to use his position to access confidential law enforcement files of other agencies regarding Horacio Vignali, and there was no sufficient reason for the Sheriff to do so.[8] Indeed, as noted above, Committee counsel themselves were completely unfamiliar with the important safeguards in that they themselves may have improperly accessed confidential law enforcement records regarding criminal investigations, without any legal process whatsoever. Here again, the sacrifice of

[6] It is somewhat ironic to say the least that Committee counsel join the Clinton White House and Hugh Rodham in seeking to blame Sheriff Baca for the White House's decision to commute Carlos Vignali's sentence. Politics makes strange bedfellows indeed.

[7] See, e.g., Report at 43 ("Sheriff Baca . . . had access to this information.")

[8] When we pointed out to Committee counsel that it would have been inappropriate to investigate Horacio Vignali by reviewing other agencies' confidential files, Committee counsel responded that Sheriff Baca "could have just made a phone call" and learned the information. Of course, it would have also been inappropriate to conduct this sort of "investigation" orally, and it is unclear whom Committee counsel thought the Sheriff should have called out of more than 100 law enforcement agencies in Los Angeles County.

important legal checks and balances in the interest of a zealous, result-oriented "investigation" casts the Committee in a very poor light, and undermines the integrity of the Report's findings.[9] When the Sheriff did learn of the existence of law enforcement reports referring to Horacio Vignali, he promptly returned all campaign contributions he had received from Mr. Vignali.

Conclusion

Lee Baca is a highly respected, non-partisan law enforcement official with over 30 years of exemplary service to his community. In March he was re-elected by an overwhelming majority as Sheriff of the Nation's largest County. He supervises one of the largest custodial systems in the world, the Los Angeles County jail system, which typically houses an average of 19,000 inmates. In that capacity he clearly understands the need for sound policies and procedures regarding the appropriate treatment of sentenced convicts, and he is hopeful that your Committee's work will result in some positive reforms. If he were asked to grant early release for an inmate in the Los Angeles County jail, Sheriff Baca would carefully review the facts and apply the applicable law, which is what he assumed would occur in the case of Carlos Vignali. As a result of shoddy investigative work by overzealous investigators, however, Sheriff Baca has been unfairly blamed for the knowing, intentional decisions of others. We respectfully request that the Report be corrected as described above. If any further information is needed, please advise. Thank you for your consideration of this submission.

Very truly yours,

Steven G. Madison

SGM:wp
02170/409373.5

cc: Hon. Stephen Horn
Hon. Diane Watson
Hon. Henry Waxman
Hon. Leroy D. Baca
David Kass, Esq.

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[9] Perhaps the most outrageous statement in the Report is the assertion that Sheriff Baca chose to maintain a relationship with Horacio Vignali "rather than investigate these allegations against [him]." The obvious fallacy in this defamatory statement is that there is no evidence that Sheriff had any knowledge of any such "allegations," and he told Committee Counsel that. This statement should be stricken from the Report.

[redacted]

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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[redacted]

February 25, 2002

VIA FACSIMILE (323) 938-2601 AND FEDERAL EXPRESS

[redacted]

It was a pleasure speaking with you last Wednesday, February 20, 2002. As per that conversation, please review the attached pages for content and confidentiality, and provide me with any comments or suggestions you might have at your earliest convenience.

Of course, feel free to call me or Deputy Chief Counsel David Kass at (202) 225-5074, if you have any questions.

Sincerely,

Pablo E. Carrillo
Counsel

4. California Law Enforcement and Political Officials Supported Vignali's Clemency Petition Despite Serious Allegations Against Horacio and Carlos Vignali

a. There Were Extensive Allegations of Drug Trafficking Against Horacio Vignali and Carlos Vignali

The Committee has learned of numerous allegations, made to law enforcement as long as twenty five years ago, that Horacio Vignali was involved in cocaine trafficking and other illegal activity. The Committee has also discovered other allegations that Carlos Vignali was deeply involved in drug sales even more extensive than those for which he was prosecuted in Minnesota. Although the information the Committee obtained consists solely of allegations against Horacio and Carlos Vignali, it is extremely significant. These reports allege long-term criminal activity on the part of Horacio Vignali. They allege that Horacio Vignali is involved in the cocaine trade, and even is the source of supply for his son. Despite that these reports were available to Sheriff Bies and U.S. Attorney Mayorkas, both chose not to conduct any due diligence before supporting Vignali's clemency plea. Although the White House and the Justice Department also had access to these reports, apparently neither considered them. Even though these allegations have not been proven, the mere fact that there were these serious allegations against Horacio and Carlos Vignali should have ruled out the possibility of executive clemency for Carlos Vignali. Instead, these reports were never considered.

While the extensive DEA reports regarding Horacio and Carlos Vignali are being made public only now, it appears that suspicions about Horacio Vignali's role in drug trafficking were widespread and well-known to law enforcement. In interviews with Committee staff, Todd Jones and Denise Reilly, who were responsible for the investigation and prosecution of Carlos Vignali in Minnesota, both indicated that they believed that Carlos Vignali was not the "end of the line," and were aware of the widespread belief among investigators that Horacio Vignali was involved in drug trafficking with his son.[266] There was even more detailed knowledge regarding allegations against Horacio and Carlos Vignali among law enforcement officers in California. According to a number of investigators working for local law enforcement in Southern California, both Horacio and Carlos Vignali had been the subjects of major drug investigation.[267] As the following reports indicate, a number of law enforcement agencies apparently received credible information indicating that Carlos and Horacio Vignali were personally involved in

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[266] *See* Telephone Interview of Judge Denise Reilly, Juvenile Court, 4th Judicial District of Minnesota (Hennepin County) (May 11, 2001); Telephone Interview of Todd Jones, U.S. Attorney for the District of Minnesota, Department of Justice (May 2, 2000).

[267] In the course of its inquiry, the Committee has learned that while the White House was reviewing Carlos Vignali's clemency petition, Horacio Vignali and associates of Vignali were part of an Organized Crime Drug Enforcement Task Force ("OCDETF") investigation in the Los Angeles area. While Carlos Vignali's petition was pending, various federal and California law enforcement agencies were investigating Carlos and Horacio Vignali's involvement in supplying cocaine before Carlos' conviction in Minneapolis and Horacio Vignali's personal and business relationship with alleged California drug figure George Torres. In this case, the OCDETF investigation was being conducted by the federal government in conjunction with various agencies of the California State Department of Justice, including, the Bureau of Narcotics Enforcement ("BNE"), and various local law enforcement agencies, such as, the Santa Barbara Regional Narcotics Enforcement Team ("SBRNET") and the Downey City Police Department. Collectively, the state and local effort was coordinated by the "L.A. Impact" Task Force.

large-scale drug dealing. These same agencies also received allegations indicating that the Vignalis were part of a large organized drug dealing ring headed by George Torres.

The first series of reports indicate that there were allegations of drug dealing against Horacio Vignali dating back to 1976. Among those reports is a DEA-6, an internal investigative report, which notes that:

> [Horacio] Carlos VIGNALI[248] – Co-owner of the C&H Auto Body Shop. His drug relationship with the [redacted] Organization is also unknown. VIGNALI however is a close personal friend of [redacted]. In November, 1975, he negotiated with ATF Agents to sell a machine gun and stated to them that he had also smuggled heroin into the United States utilizing automobiles. Since current intelligence indicates that the remainder of the [redacted] Family in Los Angeles, [redacted] are still dealing in multi-kilogram quantities of heroin, it is recommended that a grand jury probe be initiated with the object of eliminating the remaining [redacted] Organization in Los Angeles by obtaining indictments on [redacted] possibly other members of their organization such as [redacted] [Horacio] Carlos VIGNALI, [redacted].[249]

A December 1, 1976, DEA report contains similar information:

> [Horacio] Carlos VIGNAL [sic] – the [redacted]s used his body shop in Los Angeles to take heroin out of the drive shafts of vehicles brought into the United States from Mexico.[250]

A more recent set of DEA reports contain additional allegations that Horacio Vignali is involved in drug trafficking. They also show that the DEA received information indicating that Horacio was involved in the drug trade with his son Carlos. A March 19, 1993, report states:

> The "traps", (hidden compartments) were built into the truck through Carlos VIGNALI Jr. for $5,000.00. [Redacted] has also purchased cocaine from Carlos VIGNALI Jr. of Los Angeles. . . . VIGNALI's father Carlos VIGNALI aka "pops" owns a body shop, at 1260 Figueroa and is the source of supply for his son.[251] . . . An associate of VIGNALI, Jorge TORRES aka 'G' owns [Numero Uno] Market on Jefferson St. in Los Angeles. Across the street from the Market, TORRES maintains a warehouse full of luxury vehicles and tractor trailers used to transport cocaine. The warehouse also has a penthouse complete with a casino

[248] The DEA report refers to "Carlos Vignali," but it is apparent that it is referring to Horacio Vignali, or "Carlos Vignali, Sr.," as he is known to many of his associates. The date of birth listed for Vignali, as well as other personal information, appears to correspond to that of Horacio Vignali.
[249] DEA document production Bates No. V-DEA-00009 (exhibit ____).
[250] DEA document production Bates No. V-DEA-00012 (exhibit ____).
[251] This information casts the following testimony from Horacio Vignali at Carlos' trial in a new light: "I treated him like my best friend, my partner, anything he needed, I would always provide for him, always. It doesn't matter what, I always provided it for him." See Transcript of Trial, U.S. v. Vignali (D.Minn. Dec. 1, 1994) at 297.

the report, the informant stated that Vignali showed his man a kilogram of cocaine so he would know the cocaine was sufficient.[260]

In addition to the reports listed above, two recent reports indicate that the DEA received information linking Horacio Vignali to a large-scale drug dealing organization headed by George Torres.[261] A September 25, 1997, DEA Case Initiation Report states that Torres' organization:

> Has been in existence since the middle 1980's when it was "closely associated with the [redacted] family in their drug trafficking. By the early 1990's this group were [sic] transporting approximately 1,800 kilograms of cocaine into the Los Angeles area from Mexico. At that time they were smuggling the cocaine using the [redacted] TORRES's tractor-trailer trucks, concealing the drugs inside laundry detergent and jalapeno chili [sic] cans." [Redacted.] Since that time TORRES has continued to be involved in drug trafficking and information shows that his organization supply [sic] various drug trafficking organizations throughout the United States. TORRES' organization has used illicit profits derived from drug trafficking to buy legitimate businesses and properties throughout Los Angels [sic] and southern California. . . . Investigators believe that the organization uses these businesses to laundry [sic] its drug proceeds.[262]

A September 16, 1998, DEA report about Torres reported that:

> To date, the investigation shows that the TORRES organization is involved in the importation and distribution of drugs throughout the United States. Latest intelligence reveals that this group is distributing approximately one hundred (100) kilograms of cocaine per month. [Redacted.] George TORRES is the head of this organization. TORRES' direct associates include [redacted] Carlos Vignali. [Redacted] Carlos Horatio [sic] VIGNALI's role in the organization is relatively unknown at this time. It is believed that VIGNALI functions as a financial partner in the organization. VIGNALI has been involved in organizing meetings between TORRES and individuals with extensive criminal backgrounds.[263]

The report goes on to describe the scope of Torres' activities:

> The TORRES organization has used its profits from drug trafficking to purchase legitimate businesses and properties throughout the Southern California area . . . The grocery and wholesale business are cash intensive thus making it easy to launder illicit funds through them. In 1996, TORRES' businesses had sales of

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[260] *See Id.*

[261] At trial, Carlos Vignali conceded that Torres was a friend of the family and, in particular, of his father. *See* Transcript of Trial, *U.S. v. Vignali* (D.Minn. Nov. 29, 1994) at 227. Carlos appears to have used a variation of George Torres' name – "Charles Torres" – when he subscribed for his pager. As illustrated above, because Carlos used that pager to communicate with his coconspirators in trafficking cocaine, he used "Charles Torres" to conceal his own identity.

[262] DEA document production V-DEA-00119 (exhibit).

[263] DEA document production (unnumbered) (exhibit).

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 12, 2002

Steven G. Madison, Esq.
Quinn Emanuel Urquhart Oliver & Hedges, L.L.P.
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017

Dear Mr. Madison:

I write in response to your letter of April 4, 2002, on behalf of your client, Los Angeles County Sheriff Leroy D. Baca. Your letter makes a number of complaints about the Committee's conclusions regarding the role of Sheriff Baca in the commutation received by Carlos Vignali. I find that your arguments are completely without merit, and I am somewhat disturbed that, unlike other Los Angeles political figures, Sheriff Baca is unwilling to accept any responsibility for his actions in the Vignali case.

1. Sheriff Baca's Complaints About Committee Procedures

The first three pages of your letter consist largely of complaints regarding the Committee's procedures. Your first complaint is that Committee staff did not provide Sheriff Baca with an advance copy of the report. As Committee staff has explained to you, unlike independent counsels, the Committee does not provide parties mentioned in reports with copies of the report prior to its release. You point out the fact that Committee staff did provide several pages of the report to a California law enforcement officer prior to the release of the report. You claim that this fact demonstrates that the Committee's goal was a "pre-determined conclusion." Nothing could be further from the truth. Committee staff shared those pages with the law enforcement officer because it wanted to ensure that the report's discussion of the allegations against Horacio Vignali, Carlos Vignali, and George Torres did not endanger confidential informants or otherwise harm law enforcement operations.[1] The law enforcement officer

[1] The Committee staff's contacts with California law enforcement constitute the exact type of prudent due diligence that Sheriff Baca failed to exhibit in his dealings with the White House. While Committee staff took reasonable steps to ensure that its discussion of the allegations against Horacio Vignali did not endanger any law enforcement operations, Sheriff Baca failed to take any steps to ensure that he was not attesting to the "good character" of an alleged cocaine supplier.

PENGAD-Bayonne N.J.
EXHIBIT
9

indicated that the material in those pages was accurate and did not endanger any confidential sources.

You also claim, without any basis, that "Committee counsel themselves appear to have violated certain legal provisions regarding the confidentiality of criminal investigative reports." Of course, Congress has a clear right to obtain criminal investigative documents and does so routinely. The only legal citations you provide for your absurd accusation are California Government Code section 6254 and the California Attorney General Criminal Intelligence File Guidelines. California Government Code section 6254 sets forth a FOIA-type regime under which California state agencies can publicly disclose various records containing private information. Additionally, the Criminal Intelligence Guidelines recommend procedures for the management and maintenance of criminal intelligence files for law enforcement agencies within the California Department of Justice. Neither cited authority addresses, much less proscribes, Congressional access to the records at issue. First, as the report makes perfectly clear, the records discussed in the report are federal DEA reports. They were obtained from the DEA. The Committee did not obtain any copies of California state law enforcement records regarding Carlos or Horacio Vignali from any source.[2] Second, even if California state law did somehow address the Committee's access to federal records, or state records (if the Committee had been seeking them), it would not prohibit it. Nothing in California Government Code section 6254 or the Criminal Intelligence File Guidelines prohibits access to such records upon a proper request. It is troubling that you, as counsel to a senior law enforcement official, would make such baseless accusations that Congressional staff has violated the law.

2. Sheriff Baca's Claims that he "Opposed Clemency for Carlos Vignali"

The bulk of your letter takes issue with the report's conclusion that Sheriff Baca supported the commutation of Vignali's sentence. Your argument has five main aspects: (1) "Sheriff Baca Opposed Clemency for Carlos Vignali;" (2) "Sheriff Baca Refused to Write a Letter Supporting Clemency and Never Initiated Any Contact with the White House;" (3) "Only the White House Could Act on the Application and Sheriff Baca Was Unaware of the Relevant Criteria;" (4) "There is No Evidence to Suggest that the Sheriff Sought to Avoid a 'Paper Trail;'" and (5) "Hugh Rodham and the White House Misrepresented Sheriff Baca's Position to Their Own Ends." These arguments are largely the same as those made by Sheriff Baca during his interview, and they are addressed thoroughly in the Committee's report. Therefore, it is unnecessary to address them all here.

However, several points need to be made in response to your criticisms. First, you continue to repeat Sheriff Baca's assertion that he opposed clemency for Carlos Vignali. However, the simple question remains, if Sheriff Baca opposed the Vignali commutation, why did he fail to communicate his opposition to the White House when he spoke to the White House

[2] Committee staff did obtain a copy of a DEA record from a California state employee. However, this record was not quoted in the Committee's report because of the sensitivity of the information in the report. (See Report, Chapter 3, page 42.) However, I understand from law enforcement sources in California that this DEA record was in the past filed in a public court record. Therefore, the Committee's access to this particular DEA report similarly does not raise any confidentiality or privacy concerns.

staff? Sheriff Baca was asked squarely by White House staffer Dawn Woollen what President Clinton should do in the Vignali case. Rather than telling Woollen that "if you do the crime, you should do the time," or that "Carlos deserved whatever he got," views which Sheriff Baca claims to hold, Sheriff Baca told Woollen that he was not familiar with the facts of the case, and that it was the President's decision to make. However, he did provide a character reference for Horacio Vignali which could only have been intended for the benefit of Carlos Vignali. More importantly, according to Woollen, Sheriff Baca expressed support for Carlos Vignali's commutation.

Sheriff Baca's excuse for not sharing his opinion of the Vignali case with the White House, of course, is that the clemency decision was in the "sole discretion of the President and Sheriff Baca had never had cause to learn of the legal or policy criteria used to make such determination." This claim, to put it mildly, contradicts Sheriff Baca's position that he "opposed clemency for Carlos Vignali." How could Sheriff Baca "oppose clemency" for Carlos Vignali when he supposedly did not know of the "legal or policy criteria" used to make such decisions? In short, Sheriff Baca is trying to have it both ways: he did not know enough about the clemency process to tell the White House that he opposed Vignali's commutation; but he did know enough to tell the public that he opposed the Vignali commutation.

Furthermore, it is noteworthy that while Sheriff Baca's purported ignorance of the clemency process prevented him from telling Dawn Woollen that he opposed the grant of clemency for Carlos Vignali, it did not prevent him from taking a number of actions with respect to the Vignali case. First, Sheriff Baca drafted a letter to President Clinton attesting to the good character of Horacio Vignali. Clearly, Sheriff Baca intended this letter to be used in the clemency process. Second, Sheriff Baca spoke to White House staff and again provided a character reference for Horacio Vignali. Again, if Sheriff Baca was ignorant of the White House's clemency process and wished to defer to the White House's decisionmaking process, why did he believe that it was appropriate to provide character references for Horacio Vignali as part of the clemency process?

You also object to the report's conclusion that Sheriff Baca sought to avoid creating a "paper trail" of his support for the Vignali commutation. You point to the fact that "the Sheriff did writer [sic] two letters on behalf of Horacio Vignali" as "shattering" the Committee's conclusion. However, as your own letter makes quite clear, Sheriff Baca was careful to limit his letter to expressing support for Horacio Vignali. Rather, White House staffer Dawn Woollen recalls that Sheriff Baca made it clear that he supported the Vignali commutation, but was uncomfortable writing a letter in support. In addition, Woollen's note of her conversation with Hugh Rodham provides further evidence to this effect: "Sheriff Baca from LA is more than happy to speak with you about [Vignali] but is uncomfortable writing a letter offering his full support."[3]

[3] You appear to be laboring under the misconception that the note taken by Woollen reflects a conversation she had with Sheriff Baca. As the report makes clear (see Report Chapter 3, page 34), the note reflects a conversation Woollen had with Hugh Rodham.

You also question the truthfulness of information provided to the Committee by former White House staffer Dawn Woollen (who you refer to variously as "Dawn Wooten" and "Dawn Wooden"). It is not surprising that you have attacked Woollen, as she was the staffer who concluded that, based on his remarks, Sheriff Baca supported the Vignali commutation. You speculate, without any factual basis, that "it is virtually certain that Wooten [sic] is unable to determine whether her impression of Sheriff Baca's position actually came from him, or from Mr. Rodham's repeated misrepresentations." In contrast to your baseless speculation, Woollen believed that Sheriff Baca's call made it clear that he supported the Vignali commutation.

It also should be noted that former U.S. Attorney Alejandro Mayorkas takes a position that is at odds with that of Sheriff Baca. Mayorkas, like Sheriff Baca, called the White House Counsel's Office to provide a character reference for Horacio Vignali. However, unlike Sheriff Baca, Mayorkas provided the White House with substantial derogatory information regarding the Vignali commutation, pointing out that the Minnesota U.S. Attorney who prosecuted Vignali was opposed to the commutation. While Mayorkas did not provide an explicit endorsement of the Vignali commutation, he concedes that his call conveyed support for the Vignali commutation, and that the White House reasonably concluded that he did in fact support the commutation. It is telling that Mayorkas, who provided less support for the Vignali commutation than did Sheriff Baca, can admit that his actions conveyed support for the commutation, while Sheriff Baca cannot make the same admission. Rather than making an embarrassing admission, Sheriff Baca has resorted to personal attacks and baseless accusations against individuals who provided the Committee with information and against the staff who prepared the Committee report.

3. Sheriff Baca's Ignorance of the Accusations Against Horacio Vignali

While you devoted six pages to a recapitulation of Sheriff Baca's implausible argument that he did not support the commutation, you provided only one paragraph addressing the serious issue of Sheriff Baca's ignorance that Horacio Vignali was alleged to be a cocaine supplier. As you know, the Committee report concludes that there were numerous allegations against Horacio Vignali, and that Sheriff Baca failed to conduct appropriate due diligence, despite the fact that he had access to these types of records. Your only argument in response to this conclusion is that "[i]t clearly would have been inappropriate for Sheriff Baca to use his position to access confidential law enforcement files of other agencies regarding Horacio Vignali, and there was no sufficient reason for the Sheriff to do so." However, you provide no explanation of why it would be inappropriate for the highest ranking law enforcement officer in Los Angeles County to conduct appropriate due diligence before he made statements in support of the early release of a drug-dealing felon. Certainly, nothing in California Government Code section 6254 or the California Attorney General Criminal Intelligence Guidelines would have prohibited the Sheriff from conducting appropriate due diligence before becoming involved in the Vignali clemency matter.

Undermining Sheriff Baca's claims that he was barred from conducting any investigation into the background of Horacio Vignali is the fact that he did conduct such an investigation once he learned that the Committee was going to issue a report critical of his conduct. According to

the *Los Angeles Times*, after Sheriff Baca learned that the Committee was going to issue a report discussing the allegations against Horacio Vignali, he made telephone calls and sent letters to a number of law enforcement agencies inquiring about Horacio Vignali. Apparently, Sheriff Baca believes that it is appropriate to use official investigative resources when preparing his personal defense in the media, but not when initially deciding to get involved in the clemency process on behalf of a major drug dealer.[4]

Also undermining Sheriff Baca's claims that he could not, and should not have conducted any due diligence before becoming involved in the Vignali matter are the statements of former U.S. Attorney Alejandro Mayorkas. When he was asked whether he should have conducted some background investigation before he provided a character reference for Horacio Vignali, Mayorkas told the *Los Angeles Times* that "[i]t is reasonable to expect that someone in my position would do his or her due diligence to learn that information, . . . I made a mistake." Sheriff Baca apparently cannot bring himself make a similar concession, and apparently told the *Los Angeles Times* that it is not reasonable to check the backgrounds of "everyone he deals with."[5]

You also suggest that, even if Sheriff Baca had decided to conduct a background check before becoming involved in the Vignali case, he would not have known how to conduct such a check, pointing out that there are "more than 100 law enforcement agencies in Los Angeles County." It is troubling that the Sheriff of Los Angeles County is apparently bewildered by the vast array of law enforcement agencies in his jurisdiction, and is therefore unable to obtain information about individuals under investigation in his jurisdiction. Committee staff was able to speak to a number of California law enforcement personnel who were familiar with the allegations against Horacio Vignali, Carlos Vignali, and George Torres, after making a few telephone calls.

4. Sheriff Baca's Failure to Respond to Pending Questions

As you know, on March 26, 2002, Committee staff spoke to you regarding your objections to the Committee report. During that conversation, Committee staff asked a number of questions which had been raised by recent press reports. You indicated that you would take these questions back to Sheriff Baca. However, in your letter of April 4, 2002, you made no effort to answer these questions. Please have Sheriff Baca respond to the following questions. Unless Sheriff Baca responds to these questions by April 16, 2002, he will not be deemed to have "cooperated fully" with the Committee, as you claim in your letter:

---

[4] It should also be noted that the Sheriff directed lawyers from the Los Angeles County Counsel's office to conduct legal research to help him prepare his response to the Committee's report. Again, the Sheriff apparently believes that it is appropriate to use his official resources to counter negative publicity, but not to ensure that he is not providing character references for alleged drug dealers.

[5] Sheriff Baca's statements to the *Los Angeles Times* are reminiscent of your statements to Committee staff that if Sheriff Baca conducted due diligence before becoming involved in the Vignali matter, he would have to do similar background checks before writing letters of condolence to the widows of Los Angeles County Sheriff's deputies killed in the line of duty. Of course, involvement in the clemency process on behalf of a major drug dealer should not be equated with writing a condolence letter or other similar activities.

a. A March 26, 2002, article in the *Los Angeles Times* titled "Informants Named Vignali's Father" states that "Baca said in an interview he learned only last month that Congress was preparing to disclose the unproven allegations against Horacio Vignali." When and how did Sheriff Baca learn that the Committee was preparing to disclose the "unproven allegations" against Horacio Vignali?

b. The same article states that "in response, Baca said, he returned the $11,000 in contributions and began trying to find out about the allegations himself." When did Sheriff Baca return the Vignali contributions? Exactly how much did Sheriff Baca return? Has Sheriff Baca returned all of the money raised at fundraisers held at the C&H Body Shop?[6]

c. The article also states that Sheriff Baca "began trying to find out about the allegations himself. He said he called and wrote letters to top officials of the FBI, DEA and U.S. Customs Service in Los Angeles, asking them if Vignali had been suspected of criminal activity. He said he was told 'no' and has not heard back in three weeks on follow-up written requests." Please describe each call referenced in the article, including the date of the call, the identity of the individual with whom the Sheriff spoke, and the substance of the conversation. In addition, please provide the Committee with a copy of each written request referenced and copies of any responses received.

Conclusion

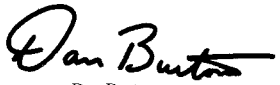
You have provided the Committee with no new facts. Rather, you have provided only a rehash of the arguments which are already refuted in the report. The Committee's conclusions, therefore, will not been altered in any way. Sheriff Baca, at the behest of Horacio Vignali, clearly took actions which supported the grant of clemency for Carlos Vignali. Sheriff Baca's support for the Vignali commutation is especially significant in light of three important facts: (1) Horacio Vignali was a significant campaign contributor and fundraiser for Sheriff Baca; (2) there were significant allegations of wrongdoing against Horacio Vignali; and (3) Sheriff Baca did not conduct proper due diligence before becoming involved in the Vignali matter. Nothing in your letter alters these conclusions.

If anything, your letter has demonstrated the lengths to which Sheriff Baca will go to shield himself from any blame in the Vignali case. While other officials who were involved in the Vignali case have admitted their mistakes, Sheriff Baca has decided to engage in convoluted legalistic arguments and baseless personal attacks against those who have criticized him.

[6] The C&H Body Shop is alleged to be a locus for unloading drugs and outfitting vehicles for drug smuggling.

Your letter of April 4, 2002, and this response, will be included in the Committee's report.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
The Honorable Stephen Horn
The Honorable Diane Watson

diGENOVA & TOENSING, LLP
ATTORNEYS-AT-LAW

April 15, 2002

Mr. David Kass
Deputy Chief Counsel
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Kass:

The enclosed documents are submitted in response to Chairman Burton's March 6, 2002 Subpoena Duces Tecum to my client, John M. (Jack) Quinn. In a series of phone conversations from March 13, 2002 through March 19, 2002, you and I agreed to certain modifications to the scope of the subpoena. Accordingly, our production includes Bates-stamped copies of the following documents in Mr. Quinn's possession: [1]

Re item 1: All non-privileged records relating to Marc Rich, Pincus Green, or any company affiliated with Marc Rich or Pincus Green dated after March 1, 2001 and before March 13, 2002, not previously produced to the committee; a privilege log listing attorney-client or work product privileged records related to Mr. Quinn's representation of Marc Rich, Pincus Green or any company affiliated with Marc Rich or Pincus Green dated after March 1, 2001 and before March 13, 2002. This log does not reflect records relating to communications between Mr. Quinn and his attorneys or their staffs or attorneys subject to a joint defense agreement, including records relating to representation of Mr. Quinn before Congress or the Grand Jury.

Re item 2: All records relating to the negotiation of any retainer agreement between Jack Quinn and Marc Rich, Pincus Green, Piper Marbury Rudnick & Wolfe or any law firm or company affiliated with Marc Rich or Pincus Green in the time period after January 20, 2001, not previously produced to the committee;

Re item 3: All records relating to funds provided by Marc Rich, Pincus Green, or any individual, organization or company associated with Marc Rich or Pincus Green, to Jack Quinn, or any individual or organization associated with Jack Quinn, except those records relating to funds transmitted to Jack Quinn or any individual or organization associated with Jack Quinn for the purpose of reimbursement of Jack Quinn for costs he incurred as a result of his work on behalf of Mr. Rich or Mr. Green;

[1] Nothing disclosed herein constitutes a waiver of any privilege.

901 15TH STREET, N.W. • SUITE 430 • WASHINGTON, DC 20005
202-289-7701 • 202-289-7706 (FAX)

PENGAD Bayonne, N.J.
EXHIBIT
10

Re item 4: A list identifying the bank accounts, foreign or domestic, held by Jack Quinn between January 1, 1999 and March 13, 2002; and

Re item 5: All records relating to Denise Rich or Beth Dozoretz dated after March 1, 2001 and before March 13, 2002, not previously provided to the Committee.

If you have questions, please contact me at the number listed above.

Sincerely,

Victoria Toensing

PRIVILEGE LOG*
HOUSE COMMITTEE ON GOVERNMENT REFORM
DOCUMENT PRODUCTION APRIL 15, 2002

No.	Date	Document	Author/Sender	Recipient/Addressees	Description/Topic	Privilege
1.	4/13/01	Letter w/enclosure	R. Slovek	C. Brechbuhl, J. Quinn, R. Fink, J. Guggisberg, D. Moynihan	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product, Attorney Client Privilege
2.	5/17/01	Fax Cover Sheet w/attachment	M. Green	S. Hynes	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product
3.	7/13/01	Handwritten Note w/attachment	M. Green	J. Quinn	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain the Pardon	Attorney Work Product
4.	8/29/01	Email w/attachment	R. Fink	J. Quinn, A. Wicki, L. Urgenson, M. Green, Marc Rich, A Deutsch	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product, Attorney Client Privilege
5.	8/29/01	Draft memoranda w/handwritten notes	J. Quinn	No recipient	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product
6.	8/30/01	Email w/attachment	J. Quinn	J. Carter	Privileged communication concerning work for Marc	Attorney Work Product

* Privilege belongs to Marc Rich

No.	Date	Document	Author/Sender	Recipient/Addressees	Description/Topic	Privilege
					Rich unrelated to efforts to obtain Pardon	
7.	9/13/01	Email w/attachment	R. Fink	A. Deutsch, A. Wicki, J. M. Green, L. Urgenson, J. Quinn	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product
8.	9/13/01	Email w/attachment	R. Fink	A. Wicki, J. Quinn, L. Urgenson, M. Green, A. Deutsch	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product
9.	Undated	Handwritten Note	S. Hynes	J. Quinn, J. Carter	Privileged communication concerning work for Marc Rich unrelated to efforts to obtain Pardon	Attorney Work Product

3503

John M. Quinn, Esquire
1133 Connecticut Avenue, NW
5th Floor
Washington, DC 20036

March 6, 2001

Mr. Marc Rich
Marc Rich + Co. Holding GmbH
[redacted]
[redacted]Zug
Switzerland

RETAINER AND INDEMNIFICATION AGREEMENT

Dear Marc:

As you know, since shortly after January 20, 2001, I have been required to incur expenses as a result of my work on your behalf. In addition, I have had to undertake unexpected additional legal work in defense of your pardon. I appreciate your continued respect for my ability to contribute to your legal team. I therefore propose the following arrangement:

1. Marc Rich hereby engages John M. Quinn to represent Mr. Rich in connection with legal proceedings arising out of (but not in connection with efforts to secure) his pardon. Mr. Rich also agrees to indemnify Mr. Quinn for any and all fees or costs incurred by Mr. Quinn in connection with legal proceedings, inquires, investigations, preparation for suit or congressional hearings relating to said pardon. Such fees may include but are not necessarily limited to fees paid to other attorneys by Mr. Quinn, government and public relations agency fees and accountancy and bank fees. All such fees, it is understood, are in connection with anticipated legal actions or investigations in which Mr. Rich or Mr. Quinn (as a result of his earlier representation of Mr. Rich) may be involved, although it is understood that all third parties who may be retained in this connection are in the employ and service only of Mr. Quinn.

2. Mr. Rich agrees to compensate Mr. Quinn for all time spent on these matters, commencing on January 22, 2001, on the basis of the reasonable estimated value of his services; however, the maximum hourly rate to be charged for Mr. Quinn's time and for that of other attorneys retained by Mr. Quinn will not exceed $600.00.

JQ 00024



JQC 00070

3. In addition to fees for services, Mr. Rich agrees to pay all costs incurred, including such costs as filing fees, long-distance telephone, parking, travel expenses, document reproduction, on-line computerized research, telecopies and fax transmissions, mileage, word processing and staff overtime or additions required to meet Mr. Rich's or Mr. Quinn's needs and deadlines.

4. Mr. Quinn will provide to Mr. Rich a monthly statement for services rendered and costs incurred in the previous month. Mr. Rich shall pay amounts due and owing within ten days after receipt by Mr. Rich of each monthly statement. It is understood that Mr. Rich has deposited the sum of $300,000 with Mr. Quinn as a retainer and advance toward payment of fees and costs that may be incurred or earned by Mr. Quinn, which has been deposited in a separate account established for these purposes. Payment and reimbursement to agents or other attorneys engaged by Mr. Quinn shall occur upon receipt by Mr. Quinn of specific bills, and Mr. Quinn shall provide an accounting of such payments on a monthly basis to Mr. Rich. Mr. Quinn may from time to time require Mr. Rich to make additional retainer deposits. To the extent Mr. Quinn's final fees are less than the balance in the retainer account, any excess will be returned to Mr. Rich.

Dated:_____ By_____
Marc Rich

Dated: 3/6/01 By_____
John M. Quinn

JQ 00025

JQC 00071

#067

John M. Quinn, Esq.
1133 Connecticut Avenue, NW
5th Floor
Washington, DC 20036

For professional services rendered by John M. Quinn, Esq., from January 22, 2001 to March 9, 2001:

	Hours/Rate	Amount
January 22, 2001 to January 31, 2001	68.5 / 600.00 hour	$41,100.00
February 1, 2001 to February 28, 2001	139.0 / 600.00 hour	$83,400.00
March 1, 2001 to March 9, 2001	6.0 / 600.00 hour	$ 3,600.00
TOTAL AMOUNT DUE		$128,100.00



MARC RICH + CO HOLDING GMBH

Cc FYI
① Mr. OLSHAN
② JQ

Mr. John M. Quinn
John M. Quinn, Esq.
1133 Connecticut Avenue, NW
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 5 June 2001

Ref: Your Invoice – Professional services rendered by John M. Quinn, Esq.
From January 22, 2001 to March 9, 2001

Dear Sir:

Please find enclosed our check payment as follows:
Union Bank of Switzerland (UBS)
Check No. 7561432
Amount USD 128'100.00
Made in favour of John M. Quinn, Esq.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

3/8

John M Quinn, Esq.

Billings, Payments and Allocations

Serv Mnth	Inv. #	Date	Timekeeper	Hrs	rate	Value	Payment Rec'd	Date	Check Number	Pye Chk #	Check Date	Paid Amount	Total
July	JC0001	08/08/01	J. Carter	21.50	340	7,310.00				JC			
			J. Quinn	10.50	650	6,825.00							
			Total	32.00		14,135.00	14,135.00	06/11/01	7570321	91	11/14/01	30,000.00	30,000.00
										1001	12/21/01	10,324.30	40,324.30
August	JC0002	09/06/01	J. Carter	29.50	340	10,030.00							
			J. Quinn	7.50	650	4,875.00							
			Total	37.00		14,905.00	14,905.00	11/13/01	7571319	JQ			
September	JC0003	10/09/01	J. Carter	39.50	340	13,430.00				92	11/14/01	20,000.00	20,000.00
			J. Quinn	14.00	650	9,100.00							
			Total	53.50		22,530.00	22,530.00	11/13/01	7571318				
October	JC0004	11/15/01	J. Carter	48.25	340	16,405.00							
			J. Quinn	10.50	650	6,825.00							
			Total	58.75		23,230.00	23,230.00	12/21/01	7576732				
November	JC0005	12/11/01	J. Carter	7.25	340	2,465.00							
			J. Quinn	2.25	650	1,462.50							
			Total	9.50		3,927.50	3,927.50	01/22/02	7577759				
December	JC0006	01/30/02	J. Carter	42.50	340	14,450.00							
			J. Quinn	6.25	650	4,062.50							
			Total	48.75		18,512.50	18,512.50	02/25/02	7582207				
Total						97,240.00	97,240.00					60,324.30	60,324.30

Tkpr	Amount	Service Month
JC	7,310.00	July
	10,030.00	August
	13,430.00	Sept.
	16,405.00	October
	2,465.00	November
	14,450.00	December
	64,090.00	**Total**
Less	-40,324.30	Paid
	23,765.70	Balance due
JQ	6,825.00	July
	4,875.00	August
	9,100.00	Sept.
	6,825.00	October
	1,462.50	November
	4,062.50	December
	33,150.00	**Total**
Less	-20,000.00	Paid
	13,150.00	Balance due

3507

JQC 00107

Empfangen: 25. 9.01 23:10; 212 835 6061 -> ++; Seite 2
SEP 25 '01 17:14 FR PMRW-LLP 212 835 6061 TO [redacted] P.02/03
09/25/2001 15:52 2024571130 QUINN GILLESPIE PAGE 02/02

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

August 8, 2001

Inv. #JC0001

For Professional Services rendered during July 2001:

John M. Quinn, Esq.	10.5 hrs	$650	$ 6,825.00
Jana Carter	21.5 hrs	$340	$ 7,310.00
TOTAL AMOUNT DUE			$14,135.00

Date Initial
FOR PAYMENT
05. Okt. 2001

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 15 October 2001

Ref: Your Invoice No. JC0001/ August 8, 2001

Dear Mr. Quinn,

Please find enclosed check:

Union Bank of Switzerland (UBS)
Check No.: 7570321
Amount : USD 14'135.00
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

Empfangen: 22.10.01 16:20; 1 212 835 6097 -> ++; Seite 6
10/22/01 10:12 FAX 1 212 835 6097 R.F. FINK +++ MARC PRIVATE-ZUG 005/005

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

September 6, 2001 Pardon Inv. #JC0002

For Professional Services rendered during August 2001:

John M. Quinn, Esq.	7.5 hrs	$650	$ 4,875.00
Jana Carter, Esq.	29.5 hrs	$340	$ 10,030.00
TOTAL			$ 14,905.00 ✓
Balance Forward: Invoice #JC0001		paid 10/10/01 R	14,135.00 ✓
TOTAL AMOUNT DUE:			$ 29,040.00

Date Initial
OK
FOR PAYMENT
22 Okt. 2001

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 6 November 2001

Ref: Your Invoice No. JC0002 dsted 6 September 2001

Dear Mr. Quinn,

Please find enclosed our check payment:

Union Bank of Switzerland (UBS)
Check No. 7571319
Amount: USD 14'905.00
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

October 4, 2001 Inv. #JC0003

For Professional Services rendered during September 2001:

John M. Quinn, Esq.	14.0 hrs	$650	$ 9,100.00
Jana Carter, Esq.	39.5 hrs	$340	$ 13,430.00
TOTAL			$ 22,530.00
Unpaid Balance: Invoice #JC0002			29,040.00
TOTAL AMOUNT DUE:			$ 51,570.00

OK FOR PAYMENT

22. Okt. 2001

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 6 November 2001

Ref: Your Invoice No. JC0003 dated 4 October 2001

Dear Mr. Quinn,

Please find enclosed our check payment:

Union Bank of Switzerland (UBS)
Check No. 7571318
Amount: USD 22'530.00
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

November 15, 2001 Inv. #JC0004

For Professional Services rendered during October 2001:

John M. Quinn, Esq.	10.50 hrs	$650	$ 6,825.00
Jana Carter, Esq.	48.25 hrs	$340	$ 16,405.00
TOTAL AMOUNT DUE			$ 23,230.00

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 19 December 2001

Ref. Your Invoice No. JC0004 dated 15. Nov. 2001

Dear Mr. Quinn,

Please find enclosed our check payment as follows:
Union Bank of Switzerland AG (UBS)
Check No.7576732
Amount USD 23'230.00
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

December 11, 2001 Inv. #JC0005

For Professional Services rendered during November 2001:

John M. Quinn, Esq.	2.25 hrs	$650	$ 1,462.50
Jana Carter, Esq.	7.25 hrs	$340	$ 2,465.00
TOTAL AMOUNT DUE			$ 3,927.50



28. Dez. 2001

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Ref. Your Invoice No. JC0005 dated December 11, 2001

Dear Mr. Quinn,

Please find enclosed our check payment as follows:
Union Bank of Switzerland AG (UBS)
Check No 7577759
Amount USD3'927.50
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036

January 30, 2002 Inv. #JC0006

For Professional Services rendered during December 2001:

John M. Quinn, Esq.	6.25 hrs	$650	$ 4,062.50
Jana Carter, Esq.	42.50 hrs	$340	$ 14,450.00
TOTAL AMOUNT DUE			$ 18,512.50

FOR PAYMENT

12. Feb. 2002

MARC RICH + CO HOLDING GMBH

Mr. John M. Quinn, Esq.
1133 Connecticut Avenue, N.W.
5th Floor
Washington, D.C. 20036
U. S. A.

Zug, 20 February 2002

Ref. Your Invoice No. JC0006 dated 30 January 2002

Dear Mr. Quinn,

Please find enclosed our check payment as follows:
Union Bank of Switzerland AG (UBS)
Check No 7582207
Amount USD 18'512.50
Made in favor of John M. Quinn, Esq.

Thank you.

Kind regards,
MARC RICH + CO HOLDING GMBH

Nilda Wirth

/encl.

[redacted] · [redacted] · [redacted] Zug · Switzerland
Telephone [redacted] · Telefax [redacted]

ELAINE J. MITTLEMAN
ATTORNEY AT LAW
2040 Arch Drive
Falls Church, VA 22043
Telephone (703) 734-0482
Fax (703) 734-0482
E-mail elainemittleman@msn.com
Admitted in the District of Columbia; Not Admitted in Virginia

FACSIMILE TRANSMISSION

Date: April 9, 2002

To:	**Name**	**Fax. No.**	**Phone No.**
	Jason Foster House Committee on Government Reform	(202) 225-5127	

Re: Documents in Marie Ragghianti's File

Number of Pages, including cover: 114

Message: Jason - Enclosed are documents in Marie Ragghianti's file.

Ms. Ragghianti has the original copy of Michael Stover's handwritten note about the March 19, 1999, telephone conversation. At the time the notes were taken, she asked Mr. Stover for a copy of his notes and went with him to the copier, where he provided her with the original. Perhaps Mr. Stover has a copy of the note. Ms. Ragghianti advises me that she mentioned the note to you and Mr. Kass when she was interviewed on July 27, 2001. She recalls that she was asked if she could find it. She replied that it would "take some digging," but that she might be able to do so. She was then asked to send you and Mr. Kass the note if she found it. She also recalls that either Mr. Yeager or his associate also requested a copy. Ms. Ragghianti has indicated that she was not at first able to find the note. By the time she located it, she had not heard back from your staff about the note. Because of the lack of follow-up, she assumed that the note was no longer requested by your staff and did not send it to you.

Ms. Ragghianti is sending you all the information that she has, as you requested. She advises me that, at the interview on July 27, 2001, you did not ask her if she had a file or other information. She assumed that you had the information you wanted. She also indicates that, if you had asked her about a file at that time, she would have provided it, as she is now doing.

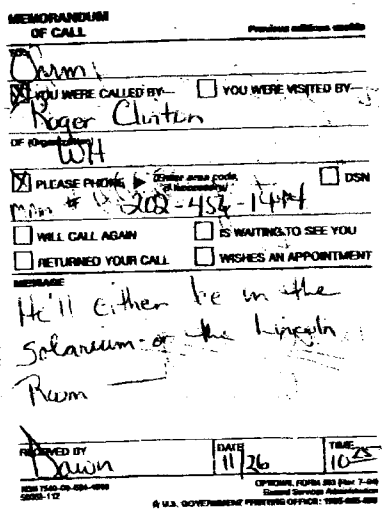
Elaine Mittleman

EXHIBIT
13

FROM : ELAINE MITTLEMAN PHONE NO. : 703 734 0402 Apr. 09 2002 09:19PM P2

The information contained in this facsimile is confidential and may contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or an agent of the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify this office by telephone and return the original message to this office at the address above.

3522



MEMORANDUM OF CALL

Previous editions usable

TO: Carmi

☒ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

Roger Clinton

OF (Organization) WH

☒ PLEASE PHONE ▶ (Enter area code, if necessary) ☐ DSN

Mon # 202-456-1414

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

He'll either be in the Solarium or the Lincoln Room

RECEIVED BY Dawn | DATE 11/26 | TIME 10:25

NSN 7540-00-534-4000
58053-112

OPTIONAL FORM 303 (Rev. 7-84)
General Services Administration
☆ U.S. GOVERNMENT PRINTING OFFICE: 1985-485-[illegible]

re: wants to meet w/you if not now (during Thanksgiving) then Xmas

out of ofc?

very imp

A

U.S. DEPARTMENT OF JUSTICE
United States Parole Commission

5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201

Telephone: (301) 492-5990
Facsimile: (301) 492-6694

February 17, 1998

Mr. Roger Clinton
1015 Gayley Avenue
Los Angeles, CA 90024

RE: GAMBINO, Rosario
Reg.No.06235-050

Dear Mr. Clinton:

This is to confirm receipt of the packet of material relating to the above prisoner who is scheduled for a Statutory Interim Hearing at the FCI Terminal Island on Wednesday, February 18, 1998.

After review of the material, I recognized that it is a request for a change in the current Commission decision based upon new information, i.e., the action in the Third Circuit in the case of Erasmus Gambino as well as other issues. I must advise you that the purpose of a Statutory Interim Hearing (§ 28 CFR 2.14(a)) is to consider significant developments in the prisoner's status that may have occurred subsequent to the initial hearing. Basically what this means is that the examiner will focus primarily on the prisoner's institution adjustment since the last in-person hearing. At this hearing, the examiner may only recommend to the Commissioner an advancement of the 15 year reconsideration date. He cannot recommend a release date as the result of this hearing.

I have forwarded the material via Federal Express to the Hearing Examiner who will be conducting the hearing. I have asked him to review the material and make a recommendation to the Commissioner whether there is merit in reopening the case and scheduling a special reconsideration hearing. It is only from the special reconsideration hearing that the examiner can recommend a release date.

If you have any further questions about the Commission's procedure in this case, feel free to contact me at (301) 492-5952.

Sincerely,

Thomas C. Kowalski
Director of Case Operations

Running Commentary on Gambino situation:

September 14th: Consulted with Ray Essex on whether the hearing examiner should be made aware of an ongoing investigation involving, presumably, this case. He thought he should. I also consulted with Sam Shoquist, who agreed that he should. Sam told me that the hearing examiner involved (Sam Robertson) was here, so I went back to tell him, but it turned out that he already knew because they had called him last week (or the week before). After speaking to Sam R., I went to see Michael, who told me that he thought it best that I had not put Tom's & my memoranda in the main (decisionmaking) file, but that we should have made the memos for a separate file. His reasoning was that we wouldn't want to prejudice the case, which was largely the reason I hadn't placed the memos in the main file in the first place. He wasn't sure whether Sam R. should be informed of the investigation, but when I told him they had already contacted him, he seemed a little disconcerted.

September 15th: Spoke briefly to Tom K. today about the need to establish some kind of protocol for decisions about pending investigations in any case before the Commission when an investigation may be ongoing. In this particular case, the Chairman and the COS were not informed that the FBI had been out, because Michael (General Counsel) did not want the Chairman to know. The Chairman & I both agreed that it should not be Michael's unilateral decision to make, and that other executive level staff should be involved with the COS in making such a determination. Tom stated that he thought a statement of protocol should be developed for the USPC Manual.

September 16th: Spoke to Sam Shoquist again today about the above situation, and the need to develop a protocol for handling similar situations in the future. We will probably discuss this at the Sr. Staff Mtg. on Fri., and establish a small working group to clarify the protocol. It appears that when the Commission consisted of 9 Commissioners, there were no problems like this, but in this instance, now that we have only three, it really complicates things when a situation like this arises, and our General Counsel makes a unilateral decision (as he did in this case) that the Chairman should not be informed--nor even the COS. Sam diplomaticaly pointed out how much better it might have been if we had turned this matter over to a case analyst at the beginning, and I must say, I agreed with his reasoning. However, as I reminded him, this is an area that has evidently been a bit opague for awhile. He agreed.

September 17th: Spoke to Michael yesterday afternoon (after yesterday's above entry). We agreed that a protocol should be estblished; also, that he & Sharon should issue some kind of memorandum regarding when memoranda should be included in the decisionmaking file of a case, and when they should be placed with the DAEO. We agreed that I should give Sharon copies of Tom's & my memoranda in the Gambino matter.

From: SHARON GERVASONI
To: ragghiantim
Date: 9/17/98 9:44am
Subject: recusal

I wanted to let you know that, after speaking with Sam Robertson last evening, it is my opinion, joined by Michael Stover, that it is not necessary for him to recuse himself in the Gambino case.
Sharon Gervasoni

From: SHARON GERVASONI
To: ragghiantim
Date: 9/17/96 4:20pm
Subject: your ethics questions

I just wanted to let you know that I am working on a memo in response to your questions, which I do not think I will complete today. I will get you something early next week; given the seriousness of these matters, I do not want to rush my thinking on the matter. I hope this will be satisfactory.
Sharon Gervasoni

(written but not sent)

From: MARIE RAGGHIANTI
To: ~~RagghiantiM~~ SG
Date: 9/23/98 9:59am
Subject: Your memo of this date

Thank you for your response to my request Sept. 16th. I would like to state for the record that Roger C. did not at any time complain to either Tom K. nor myself about "allegedly rude treatment by Commission staff members." I suppose you are referring to my statement that I felt that Michael S. had been "gratuitously rude" to Roger C.--an inference I made based on a memo that I believe Michael S. wrote in a memo for the file (not the decisionmaking file).

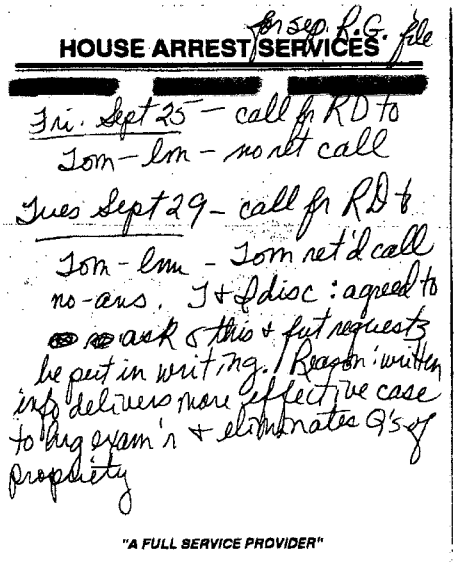
I am not here to defend Roger C., however, your statement that "he may have attempted to influence the Commission's decisionmaking outside official decisionmaking channels" troubles me--unless of course you consider every contact from the outside--Congress, gov't officials, media, etc. an attempt to influence the Commission's decisionmaking outside official decisionmaking channels. Do you?

Also, I wish to remind you that neither Tom nor I provided Roger C. with any inappropriate information. Instead, we reminded him--courteously--that we could not discuss the case with him in any detail, but that the case would be handled normally & fairly.

While there is no provision in the Commission's statute or rules entitling any member of the public to a meeting with Commission staff, based on my knowledge since being here, it is not extraordinary for USPC staff to occasionally meet with a member of the public, Congressional representatives, attorneys, etc.

One week has passed since my request for advice regarding development of an interim protocol for handling sensitive cases. Why haven't you let me know that you didn't know what I meant? By sensitive cases I mean situations like this one, where the FBI is evidently investigating a matter perhaps related to someone under our jurisdiction, when the General Counsel may decide that the Chairman and Commissioners should not be informed. The Chairman does not believe that such a unilateral decision should be made by one person. I have discussed this matter with Michael S., and he justified his decision by pointing out that the Commission has only 3 members at this time, which makes it particularly difficult if and when one member recuses himself. Since we know that in the future we will have as many as 5 members, it seems to me that we should develop an INTERIM protocol, or procedure, in the event that a situation like this one arises in the future. One obvious procedure, it seems to me, would be for the General Counsel, the Chief of Staff, the Case Ops Administrator, and perhaps yourself, to convene for the purpose of determining a course of action consistent with the welfare of the Commission and its statutory function.

(informal ofc visit instead)



for sep. L.G. file

HOUSE ARREST SERVICES

[redacted]

Fri. Sept 25 – call fr RD to
Tom – lm – no ret call

Tues Sept 29 – call fr RD &
Tom – lm – Tom ret'd call
no-ans. J+D disc: agreed to
~~ask~~ this & put requests
be put in writing. Reason: written
info delivers more effective case
to Mg exam'n + eliminates Q's of
propriety

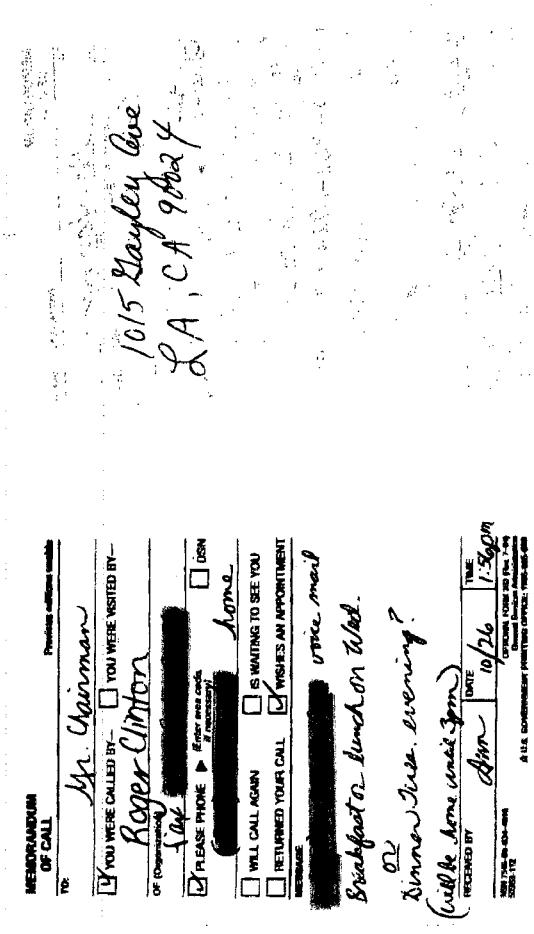
"A FULL SERVICE PROVIDER"

9/25/98
1:00pm

Marie -

Pls. see Tom Kowalski ASAP.

Thank you,
Ann



3530

MEMORANDUM OF CALL

Previous editions unable

TO: Mr. Chairman

☑ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

Roger Clinton

OF (Organization) fax [redacted]

☑ PLEASE PHONE ▶ (Enter area code, if necessary) ☐ DSN

[redacted] home

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☑ WISHES AN APPOINTMENT

MESSAGE

[redacted] voice mail

Breakfast or lunch on Wed.

or

Dinner Tues. evening?

(will be home until 3pm)

RECEIVED BY	DATE	TIME
Ann	10/26	1:56pm

NSN 7540-00-634-4016
53263-112

OPTIONAL FORM 30 (Rev. 7-94)
General Services Administration

☆ U.S. GOVERNMENT PRINTING OFFICE: 1995-385-088

1015 Gayley Ave
LA, CA 90024

to Roger Clinton re: your telephone invitation of October 26, 1998

Dear Mr. Clinton:

On behalf of the Chairman, please accept his sincere thanks for extending an invitation for lunch or dinner. ~~at his convenience~~. However, in light of the [redacted] interest that you have previously expressed in a matter under the Parole Commission's jurisdiction, it will not be possible for the Chairman to meet with you. As a matter of agency policy, U.S. Parole Commissioners may [redacted] not engage in private meetings of any kind with ~~interested~~ parties having an interest in parole proceedings, [redacted] even if the meeting is sought for purely social reasons. [redacted] the Chairman regrets having to turn down your invitation [redacted]. The same policy also restricts the ability of Parole Commission staff to engage in any continued series of calls or discussions on official matters that are not in the context of an agency proceeding.

I hope that this will not be an inconvenience. Those who wish to support an application for parole or

an invitation for lunch or dinner, ~~at his convenience~~. However, in light of the ~~[redacted]~~ interest that you have previously expressed in a matter under the Parole Commission's jurisdiction, it will not be possible for the Chairman to meet with you. As a matter of agency policy, U.S. Parole Commissioners may ~~[redacted]~~ not engage in private meetings of any kind with ~~[redacted]~~ parties having an interest in parole proceedings, ~~[redacted]~~ even if the meeting is sought for purely social reasons. ~~[redacted]~~ The Chairman ~~[redacted]~~ regrets having to turn down your invitation ~~[redacted]~~. The same policy also restricts the ability of Parole Commission staff to engage in any continued series of calls or discussions on official matters that are not in the context of an agency proceeding.

I hope that this will not be an inconvenience. Those who wish to support an application for parole, or to discuss parole policy in general, are always welcome to write.

Sincerely

Marie F. Ragghianti
Chief of Staff etc.

U.S. Department of Justice
U.S. Parole Commission

10-26-98
tcl

RC [redacted]
pls call - 1p (4p)
fax rec'd
didn't mean to do
anything against my
wishes - told any
like to come into ofc for mtg -

cert'ly not try'g to meet
w/him after hrs -
if we can
set up mtg there, fine -
I remember exactly what
you told me - I would not
speak to him about anything
specific - but I know he has
got to have - I guess if a

APR-09-2002 10:15 PM MARIE RAGGHIANTI 3019132985 P.25

(2)

U.S. Department of Justice
U.S. Parole Commission

~~if the party having an interest in~~
a parole proceeding
he can't even meet w/ me no matter what
if that's quite unusual
but if that's the policy
I'll cert adhere to
~~if he cannot meet w/ me~~

if you get a ch to
call me back, pls
bec a little unclear to me
even tho it's quite clear in
the fax
it's a little unclear to me -

(logic escapes me)

little confusing to me - maybe
if you could call me + help
clear this up . . .

January 14, 19999

For the File

Monday (Jan. 11)

Rec'd word from Michael while in Phoenix that the FBI was asking to interview Sam Robertson to inquire whether he had been contacted by R.C. during the time he was working on the Gambino case. I asked whether this indicates that they (FBI) have somehow learned that he has made a recommendation, or what his recommendation was. Michael (seeming mildly flustered) said, why yes, bec. I turned over the letter R.C. sent, you know, the flowery one, thanking Tom for the USPC's help (or words to that effect). He then read (at my request) a memo about the matter which we both decided should not be faxed. (I asked him to overnite it.)

Tuesday (Jan. 12)

Picked up the letter which Michael fedexed; however, did not have time to re-read it till yesterday (Wednesday) on the way back from Phoenix.

Thursday (Jan. 14)

Spoke briefly with Michael again about the Gambino case. I told him about my calls from the White House Counsel's Office, and how at the end of the tel. interview, a kind of general question had been asked as to whether there might be anything in my background or experience which could embarrass the President. Of course, I said no. They had also asked whether I had any "enemies" (or words to that effect) here at the USPC, and I had said no to that, too, of course. (I may have qualified it by saying not that I know of, but of course, one never can be sure that one hasn't offended somebody, when one is Chief of Staff--or words to that effect). Somehow, the woman I spoke with (Chris Puffer) said something at one point (we were talking about my children, I think) about how we all have relatives whose problems may cause us difficulties (again I'm paraphrasing), etc. When she said that, I suddenly thought of the Pres & his brother. After hanging up, it occurred to me that the Pres has a brother who may embarrass him, etc. and I wondered whether it would be appropriate for me to say so in the interview. I thought about it idly, but somehow it seemed inappropriate, esp. since I remain convinced that R.C. is guilty primarily only of poor judgment (as to how it might appear if others knew of his interest in the Gambino case). I later asked the Chairman whether he thought it was appropriate for me to tell Chris about the matter, and he said he did not. I felt better then, knowing that we both agreed.

But today, in light of the new turn of events (FBI back on the scene, so to speak), I decided to ask Michael what he thought. To my surprise, he at first seemed to say that he thought I should tell the WH. I said, are you sure? He said, well, I think so. I

said well, what would the FBI say if we asked them? He said, well, they haven't told us not to tell anybody--which I had recalled noticing. However, I said to Michael, I inferred that we are not supposed to be telling anybody, WH or otherwise. [I have felt guilty about not telling the WH, however, from what I've seen, it would be easy to be accused of obstructing justice if I did.] Then Michael seemed to change his mind. You know, you're right, he said. I think I'm going to have to retract my first answer. I think that perhaps you should not. I don't know, it's tricky, he said. So then I said, well, I feel that I'm betw a rock & a hard place. I want to do what is *moral, ethical, and legal.* What should I do? What is the moral, ethical, legal thing to do? I have not done anything wrong--and I still believe that R.C. is guilty of only poor judgment--in other words, I do not truly believe that any criminal behavior has occurred here. What is the moral, ethical, legal thing to do? What is proper? Finally, Michael seemed to come down on the side of not telling the WH.

I then spoke briefly with the Chairman about what Michael had said, and he agreed that it would be inappropriate for me to tell the WH. But he also agreed with me, in that we both feel bad about not being able to tell the WH.

STATE OF TENNESSEE
BOARD OF PAROLES

Conv w/ Tom - 12:15p
3-20-99

~~Sounds like~~

based on add'l advice
fr DAG's ofc
proceed as
normal — lv
message on RC's tel
Mon & he can come
in to USPC (but share info
re: mtg w/ Bur, if asked

Administrative Services * Board Operations * Field Services
(615) 741-4543 (615) 741-1150 (615) 741-2107

404 James Robertson Parkway, Suite 1300 Nashville, TN 37243-0850 (615) 741-1673

STATE OF TENNESSEE
BOARD OF PAROLES

Call back fr Tom: 1 pm

They want to see me @ 9:30a
Mon. morn —

MJG: ↓

"we — coop to extent & we can but we — go thru the normal course —"

Be assured & inmate — sue, & there ↑ a hrg about it — if all C's recuse — we could be forced to release inmate outright —

Administrative Services (615) 741-4543 Board Operations (615) 741-1150 Field Services (615) 741-2107
404 James Robertson Parkway, Suite 1300 Nashville, TN 37243-0850 (615) 741-1673

STATE OF TENNESSEE
BOARD OF PAROLES

Why didn't you say (wiring TK) — if RC

we) told by AG's ofc & it is not obstruction to limit staff particip — clearly TK act'g in SPC capacity — so . . . have (sharon?) present — if

Administrative Services * Board Operations * Field Services
(615) 741-4543 (615) 741-1150 (615) 741-2107
404 James Robertson Parkway, Suite 1300 Nashville, TN 37243-0850 (615) 741-1673

too close
to jeopardizing
integrity of
Comm decision-making

Comm
involved/participate

not obstruction
per Margolis

cooperate to point we're
not impacting on our normal
conduct the cases

Margolis 3-23 (1)

2-steps

1) his decision if he says no - end of it -

2) but if he's will, then is VSPC will to let him do it?

may be fairer to RC to get it resolved asap — could linger forever — or indefinitely —

down the rd, who knows —

shouldn't be talk'g about this (around) —

— do I think this will end it? no — 2 people walk'd out of mtg

let him know when it's over — since this is part of the end of it —

3-23-99 (2) (continued)
where does MAS stand on this?
his unit —

if undercover operation,
then fairer to record —
(if meet'g covertly — in restaurant)
on other hand — sees distinction
betw mtg off premises in
diner —
)'g taper record'g doesn't really
chg landscape —

"doesn't give me any angst"

if no prob w/ staffer mtg w/ RC,
why not?
big decision whether do it at all —
issue of record'g is minuscule —
if go'g to rept back to FBI,
no prob w/ surreptitious record'g
— [illegible]

Margolis 3-23-99 4pm tel

tell them & Tom

not inappropriate to ask -
but may be better off not hrg

March 22, 1999 meeting with Sharon Gervasoni

I went to meet with Sharon Gervasoni in the afternoon, feeling an acute need for legal advice, and having suffered a breakdown of confidence in the advice of Michael & Rocky (Michael more than Rocky, since he had blatantly denied advice he has given repeatedly re: Tom's right to make a "personal" decision re: participating in the apparent sting of RC, & his parallel advice to the Commissioners that for them to try to influence Tom in any way might leave them open to a charge of obstruction).

I told Sharon that I needed her advice badly, and that I would appreciate it if she would be candid, and give me her own ideas, as opposed to what she might think Michael thinks. I reminded her that at one time she had apparently agreed with me that the Commission should handle the Gambino situation as it normally would (at the time--Jan. 26th--that would have meant simply writing a letter to RC reiterating our inability to see him, etc. rather than allowing our staff member to actively involve himself in an apparent sting). This, I pointed out, was prior to our calling Michael at home, and learning that he didn't see it that way at all, etc. I then recounted the events of Fri. afternoon, beginning with Tom's report that RC had called him again, asking for an interview this week, and Tom's subsequent call to Jackie Dalrymple, his telling me afterward that they would be setting up a callback (to Roger) on Sat. which would result in a meeting at the Holiday Inn restaurant, Tom's wearing a body bug, etc. I told her what the original scenario had been [& also that I had personally opposed it--but that the C's had voted 2 (for)-1 (abstention) that they would not oppose the Bureau's plan for Tom to introduce one of their agents as a member of our legal staff, etc.], and that the original plan did not include Tom's wearing a body bug. I also told her of my concerns that the Commission had not been given good legal advice re: its conduct of the entire affair, especially since Michael's & my Fri. conversation with Olson & Margolis suggested that Margolis saw the Commission's responsibilities as I did, & not as Michael did.

I also told her that the C's had been advised (by Michael Stover) that they might be perceived as obstructing justice if they didn't allow Tom to go along with the Bureau's scenario. [I told her that Michael was now denying this, saying that only Commissioner Simpson had ever raised the obstruction of justice issue.]

I informed her that since Margolis's perception appeared to match my own, as far as the Commission's right to maintain its normal authority in directing its employee in the conduct of USPC business (without fear of obstruction accusations), I now felt that it was appropriate to instruct Tom that he should conduct any further business with Roger C. as he normally would, and that this did not appear to include a meeting at a local restaurant where he might introduce a Bureau agent as a member of our legal staff.

While Sharon & I were still talking, Tom came in, so the 3 of us

concluded the meeting together. On Tom's arrival, Sharon stated that she was a little uncomfortable acting in Michael's absence (he is in Japan), since he evidently knew more about details of the matter than she. She expressed reservations, too, about Rocky Chickinell being next in command, and reminded us that she is "4th" in seniority. I assured her that this did not concern me (as I had already mentioned my misgivings about the advice I had received so far). I did feel it was necessary to point out that she already knows more about the case than the other members of Legal, and additionally, is our Ethics Officer, a fact which I consider to be relevant.

I had brought up the fact to Sharon that Margolis had stated at one point in our Fri. tel. conversation that the Commission might be better protected if there were a taping of the next interview, and asked her what she thought. She indicated that that made sense to her. We brought this up to Tom, and Sharon proposed (openly) setting the tape recorder out on the desk when RC arrived. Tom immediately said that would be offensive to RC, and that he (Tom) would be embarrassed to do it. After some discussion, Sharon indicated that perhaps the only suitable alternative would be a surreptitious recording. I expressed my misgivings about it, but could not help but agree with Tom (that it hardly seemed feasible that he should set out a recorder in front of RC, bec. it would be offensive).

Both Tom & Sharon made as strong a case as possible in favor of doing it surreptitiously, reminding me of what Margolis had said, & that it would protect everybody (the USPC as well as RC) if things went as we expected. Finally, and agonizingly, I relented, feeling really that in light of what all 3 people (Margolis, Sharon & Tom) had said, perhaps it should be done.

March 23, 1999 Tel. Discussion w/Margolis

I hardly slept that night, and came in Tuesday morning, determined to call Margolis to clarify whether he had meant we should record the interview with RC openly or surreptitiously. He said that after all we have already been thru, he thought we should go ahead & do it surreptitiously, and reminded me again that it would resolve any discrepancies or ambiguities, etc. I asked him what was wrong with Tom just writing up a description of what was said, and he said that while that was fine, a recording would resolve any ambiguities or inconsistencies, etc. At that point, even though I still had misgivings, I felt I had no choice but to proceed. I did believe that an unambiguous record, with any luck at all, might bring all this to a close (while a description of what was said might serve to drag the ordeal out that much longer).

At the beginning of our conversation, Margolis stated that the question of whether the USPC had authority over its staff person consisted of 2 steps: (1) if the staffperson wanted to say no to the Bureau, that (in his view, at least) should have been the end of it. In other words, if the staffer (Tom) was reluctant to do

it, he should not be forced to. However, (2) if he WERE willing, then the next question was whether the USPC was willing to let him do it. This was exactly how I saw it, and I told him that.

Margolis asked me where Stover stood on all this. I told him Michael was out of the country, but that since he had strongly supported the original plan (for Tom to introduce a Bureau agent as a member of our legal staff at a nearby restaurant, etc.), there was little doubt in my mind that he would be supportive of today's meeting being recorded. However, I also reminded Margolis that Stover had originally instructed us that the USPC could not properly instruct its own staff person in what to do re: the investigation, etc.

Margolis said that since there is an undercover operation, it was "fairer" to record. He acknowledged the distinction betwen meeting off premises in a restaurant vs. meeting in the office. He insisted, however, that having a tape recording didn't cause him any "angst." He asked me why, if there was no problem with our staffer meeting with RC, why not go ahead & record? The big decision, he said, was whether to do it at all--as he saw it, the issue of recording was "minuscule." He said if you're going to report back to the FBI (I didn't clarify that we would answer any inquiries from them, rather than be pro-active, etc.), he had no problem with a surreptitious recording. A recording, he said, made it less likely that there would be any misunderstanding. He even said that a recording might be "fairer to RC"--in that it could get the entire matter resolved as soon as possible (THIS got my attention, and rang true). He went on to say that otherwise, the whole thing "could linger forever--or indefinitely." And down the road, he said, who knows what may happen?

He cautioned me to tell Tom that he shouldn't be talking about this, that discretion was paramount, etc.

Finally, he said, "do I think this will end it? No." When 2 people walk out of the same meeting, he said, they very often have differing impressions of what transpired. This, he said, was one more reason to make a recording.

At the end of our conversation, he asked me to let him know when it wa over. Again, he said that he was "sure" this wouldn't be the end of it. However, this discussion with him had persuaded me that I really had no recourse but to allow the recording to proceed, even though it made me very unhappy.

6 pm telephone conversation with Margolis (also 3-23-99)

Called Margolis to tell him what had transpired. Offered to send him Tom's report, but he said that wasn't necessary. I told him I had asked Jackie & Kevin for a copy of tape, and that they had said they would have to check with their superiors, that it was considered to be "original" evidence, etc. I felt mildly annoyed,

since it was not clarified in our last meeting that they would make the recording, and certainly they had not clarified that we might not have access to it. As I saw it, since it took place on our premises, etc. we should be entitled to it. However, I did not express my annoyance, since I wasn't sure whether it was even appropriate to ask for it. For this reason, I asked Margolis whether he thought it was appropriate. He said there was no problem, that it was "not inappropriate to ask," but that we might be better off not hearing it. When I asked why, he said, suppose it gets leaked to the Washington Post? Then you would be among the universe of suspects for having leaked it. I thought he had a point, and this made me have second thoughts about wanting to hear it at all.

March 24, 1999 conversation with Tom

Tom told me in a brief conversation that prior to the Tues. mtg. with RC when Jackie & Kevin came to his office (& prior to my arrival), they had asked him to offer to set up Roger with "one of our analysts" by giving him a telephone number. He said, however, that he did not do this, and that he figured they were probably annoyed. My private reaction was that I doubt they are as annoyed as I am at hearing that they asked for this, which was certainly not in the sphere of what they knew I had asked of Tom.

After hanging up from Margolis on that Tues. morning, I had gone down to see Tom, taking with me a copy of my October letter to RC, as well as Stover's handwritten 1st draft of it (so that Tom could see that it was Michael who had worded the part about USPC policy with regard to interested parties, etc.) I was disconcerted to find Jackie & Kevin in his office, because, as I've already said, I had no idea that they would be monitoring the visit with RC, installing microphones in the ceiling & desk, etc. (I thought Tom would simply place one of our little recorders in his desk drawer.) When I saw them, I was not at all happy, but kept it to myself, because it seemed to be perhaps a little hair-splitting, if we were going to do it at all (as Margolis had pointed out).

I felt that they were waiting for me to leave, and I was waiting for them to leave. But not wanting to do anything hostile, I made a decision to just go ahead & openly tell Tom what I had come to tell him, re: opening his mtg. with RC by saying this would be their last mtg., etc. & then referencing my October letter, etc. I emphasized once more that he should conduct the visit as he would normally conduct any interview, etc.

Jackie then picked up a large black canvas shoulder bag and said I'll go get the car & meet you (Kevin) out front. I went out with her, but stopped at a nearby office, killing time & waiting for Kevin to leave. He didn't. Finally, I saw both Tom & Kevin standing at the window, obviously watching for RC's arrival. At that point, I went back into T's office, and said, "Now remember, Tom--business as usual!" And he answered, in a joking way (tho I

knew he was serious), "Yes M'am!" I then left, and went up to watch & wait for RC.

It was a very long wait, but finally I saw him arrive by cab, get out (with what appeared to be a newspaper in his hand), and start toward our building. Almost immediately, I saw Kevin go out & get into the car with Jackie. They then backed their car up to the dead end of our street, where they sat for awhile, till a meter maid asked them to move. It became increasingly clear that they must be listening to the RC/Tom meeting from their car, & I was distraught, but helpless. At that point, all I could do was pray.

After a seemingly interminable period of time, I decided to go see what I could see of Tom's office. I was so distraught that I absentmindedly went UP stairs (to the roof) instead of DOWNstairs, where Tom's office is. When I got there, I peered around a desk, & saw Tom staring out the window. He turned & saw me & I said, "Is he gone?" He said "Yes." I went straight to him, and he said, "Nothing happened. He didn't say anything inappropriate." I said you're kidding, & he said, no, it was just like we thought.

Later, Tom told me that when RC was leaving, it occurred to him that he would like to have a copy of one of RC's CD's, & he would have asked him how to get one but the tape was still running & he didn't want the agents to think he was asking for a bribe!

March 2[illegible], 1999

Brief meeting with Rocky (approx. 9:15 am)

Due to Michael's absence from the office, I went to visit Rocky to discuss the impending visit from the FBI (at 9:30 am). I was assuming that Michael had briefed him, since after Friday afternoon's conference call (with Michael, myself, Kevin Olson & Dave Margolis at the DAG's Ofc.) I had found Michael in Rocky's office with the door shut. (Richard Preston was also present at the time.) I was disconcerted when Rocky said that Michael had not briefed him, which obviously left me very little time to attempt to do it myself. However, I immediately proceeded to try to do that, and was just getting underway when the phone rang & it was Michael himself, evidently calling from Japan. Rocky then got into a detailed discussion of the Carneglia matter, leaving me increasingly annoyed.

At 9:29-1/2 I got up to leave, thinking it was hopeless & that it was obvious that I was out of time to discuss anything with Rocky. I decided that it was better for him not to be at the meeting since he was uninformed re: the details. As I was leaving, Rocky hung up & asked "do you need me?" & I said no, I think not, there's not time, and he said are you sure & I said yes & walked out. (I was also annoyed bec. I had made it clear that I needed to talk to him, and he had actually seemed a bit annoyed (as if I were interrupting his conversation with Michael--which granted, I was--) My feeling was that given his apparent hostile attitude & ignorance of the matters about to be discussed, I was better off without him.

Prior to Michael's call, however, I had told him a little about the call to Margolis & Olson, and its nature. I had told him about the "private citizen" remark, as well as the obstruction of justice & entrapment discussions--at least enough that he got the gist. I was forthcoming in saying that I had been disconcerted by Michael's denials that he had told us that Tom was acting as a private citizen or that the Commission could be subject to obstructin of justice charges if it tried to direct Tom in any way re: participating in the investigation. I was also disconcerted when Rocky (having heard all this) volunteered that he didn't see a problem with Tom going to the restaurant to meet RC, wearing a body bug &/or introducing an FBI agent as a member of our legal staff, etc. I said but Rocky, that isn't the point. The point is that the Commissioners were wrongly informed that if we don't go along with this, they might be subject to obstruction of justice charges, etc. He gave me a blank look. I said, Rocky, Margolis reinforced my earliest position, which is that the Commission is free to direct its own employee in Commission business, & that would not be obstruction of justice--that Tom is NOT acting in his personal capacity, etc. These are major distinctions & information which conflicts with Michael's advice, etc. (I surmised that Rocky agrees with Michael & his advice, and recalled that he was proactive in seeking to develop investigative scenarios for the FBI at our last meeting with them.)

Notes of Conversation with Jackie Dalrymple, Kevin O'Connell, Tom Kowalski, March 23, 1999

At about 10:15 am I went down to take Tom a copy of my letter faxed to Roger C. last Oct. 26th, and to clarify/finalize last minute details regarding his 10:30 am appt. with RC. When I arrived at Tom's office, I was surprised to find both Jackie & Kevin, & I surmised that they must have been setting up Tom's office with a recording device, which made me uncomfortable since I had envisioned Tom doing it with USPC equipment. (I had just spoken with Dave Margolis.) When I noticed Jackie's large canvas shoulder bag (black), I realized that they were going somewhat further than I had envisioned, & I was a little disconcerted, but said nothing. It then appeared that they were waiting for me to leave, as I was waiting for them to leave. Seeing that, I decided to speak candidly to Tom in their presence, and said, Tom, here's a copy of the letter from October. I then pointed out to him its last paragaraph, which appeared to be in conflict with what he had stated yesterday (to Sharon Gervasoni & me) was Commission policy with regard to visitors, etc. I had with me a copy of Michael Stover's handwritten 1st draft of the letter, so that he could see that it was Michael & not myself who had described what our policy was. (I wanted Tom to see that it was not a mistake of mine--so that he would not think perhaps that I had deliberately misled Roger or whatever.)

In Jackie & Kevin's presence, I reminded him of what Sharon had said re: saying to RC at the outset that this would be their last visit, then referencing my letter regarding putting future requests in writing, etc. In other words, to conduct USPC business in a normal manner. I then left for a few minutes (Jackie preceded me, saying that she was going to the car & would pick up Kevin out front).

After stopping in to speak in a nearby office to Sam Robertson & Charles Lyons, I returned to Tom's office, to find Kevin & him both looking out the window, obviously watching for RC's arrival. I said, now remember Tom, business as usual! And he replied jovially, yes m'am! I then returned to my office.

After the longest hour & a half of my life (well, in the last 20+ years), I returned to see whether RC had come & gone. Evidently, I arrived immediately following RC's exit, and immediately prior to Kevin & Jackie's return--I said, Tom--has he gone? And he said yes, he just left. I said how'd it go & he said--it went great, he didn't say anything out of line, it was just fine! I said thank God, are you sure? And he said, yes, he just said all the usual things--the things he's said before, and he didn't say anything unusual--was exactly like we thought it'd be. I was greatly relieved.

A few seconds later, Jackie & Kevin walked in, and I said, well, what do you think? Kevin said, it's over, Marie, that's it, I think we've got enough to close this down. I said really, are you

serious? And he said, yes, we just needed to bring this to a close one way or another, & I think this does it. (For some reason, I didn't quite believe him.) Then he stepped out of his shoes, stood on Tom's desk, & removed a tiny recording device from the ceiling. (He put one stockinged foot in Tom's "in-box" I couldn't help but notice.) He then climbed down, pulled out one of Tom's desk drawers, and removed a second device. All the while, Jackie was talking, to the effect that he really hadn't said anything out of line, etc.

Later: Why should I have even asked - it was USPC business

I said, well, what was said? Can you tell me? Also, I asked, is it appropriate for me to ask to listen to the tape? [I had mentioned prior to the meeting with RC that I wanted to listen to the tape immediately following the meeting, & had noted that their facial expressions belied the likelihood that they would want me to do that.] I was not surprised (therefore) when Jackie held up the tape in question & said, well, this is original evidence & even we are not free to listen to it until it's copied. However, they indicated that they would request that a copy be sent to me. I stated that I felt that since it was done on our premises, etc. that we might be entitled to a copy. I also inquired whether it would be inappropriate for Tom to record the details of the meeting in writing, since that would be "normal procedure." They indicated that that was fine. (Of course, we would have done it anyway.)

Conversation ensued re: the meeting, and more than once, at least several times, Kevin seemed to be at pains to assure me that it was "over," that the case was "closed," that they had followed it thru to the end, & that this was the "end," etc. For some reason, I still doubted him, but who knows?

There was discussion re: the fact that RC indicated that he planned to contact "Michael." I was confused, thinking perhaps he meant Michael Stover, but he in fact had meant the Chairman. To this I responded that the Chairman is known as "Mike" (not Michael" by his friends, and that RC was just name-dropping, & they agreed that that appeared to be the case. I also expressed something between dismay & hilarity at the prospect of Mr. Clinton STILL attempting to contact the Chairman. I reminded them that he has been trying to contact the Chairman since 1996, & that he has never once succeeded in getting thru, & that should he try again, he would undoubtedly fail again. I said that what would probably happen (should it occur) would be for the Chairman to once more turn it over to me, & that (should that happen) I would simply write another letter asking for his comments in writing.

I let them know that the Chairman & I were both concerned about the USPC's lack of a clear policy regarding contacts about parole cases. I told them that since I had learned of RC's remark about the "Dole appointee," I was convinced that that was the reason he could never give up, never accept that he couldn't get in to see the Chairman--he had learned from reliable sources, I speculated, that the Chairman's predecessor (the Dole appointee) had been very different about discussing cases with interested parties. I

reminded them that the two men's styles were very different, partly because of their past career experience. I pointed out that Mike Gaines had been a parole board chairman in the past, while Ed Reilly had been a state senator in the past. Politicians, I said, are used to wheeling & dealing, etc. However, I reminded them, the Chairman had been scrupulous about not talking to RC in the past, and that there is no doubt that--if an attempt to contact him again is made--he will again scrupulously turn it away.

Jackie stated that they would want to know if the Chairman were to be contacted. She stated that obviously, he was free to handle it however he saw fit, but that they would like to know.

There was a bit of discussion re: whether (as he claims) RC has actually discussed this case with the President. I indicated that I thought it unlikely.

At some point I stated that I was astonished to find myself again in a situation like this one, comparing it to the Tennessee events of 20 years ago. (I had referred to those events when talking with them several times, yesterday saying that those events were pretty black & white, while this was more complex, & gray.) I said that I had been happy when I was appointed to my current position, bec. I realized that I might easily be seen as some kind of maverick, given my reputation from Tennessee. I said that I felt that when I was appointed, it demonstrated that the Administration did not see me that way. I said that even though I'm not a Presidential appointee like a Commissioner, that my appt. did go thru the Ofc. of Presidential Personnel, & I had the impression that they could have vetoed it. I tried to convey that my feeling was that this Administration was honest or they wouldn't have appointed me.

We left Tom's office together (Jackie, Kevin & myself). We shook hands, and Kevin said thank you Marie for going the last mile with us (or something like that), and it appeared for that moment at least that he was sincere (which surprised me a little, bec. I felt they probably considered me more of a hindrance than a help). I said, well, I hope it was useful in some way, and they assured me that it was ~~(though I still can't see how)~~.

Memorandum

Subject

Roger Clinton Visit to the Office
On March 23, 1999

Date

March 23, 1999

To

File
U.S. Parole Commission

From

Thomas C. Kowalski
Case Operations Administrator
U.S. Parole Commission

On this date Roger Clinton visited the office regarding the case of Rosario Gambino. This interview was being secretly recorded and monitored by the FBI.

Before he could get into any conversation, I reminded him of the letter forwarded by Marie Ragghianti on 10/26/98 regarding any further personal appearances in the office. That letter indicated that he was expected to submit any further information on this case in writing. He indicated that this would be his last visit to the office at least through the present channels. He intimated that any further contact with the Commission would be with the assistance of the White House. He acknowledged that he was aware of the intent of the letter although he had what he believed to be significant new information to submit in addition to a suggestion he wanted to make about making some kind of "deal" in order to secure Gambino's release from custody.

He began his conversation with some statistics from some recent newspaper articles, which reported prison overcrowding throughout the country. He used this as a springboard to suggest that the release of Gambino could help reduce prison population.

He indicated that he was in show business and that just about anything could be arranged. In regards to a "deal", he was presenting a suggestion that Gambino would be willing to relocate out of this country if necessary in order to be released from prison. He said he would be willing to return to Italy or any other country that the Commission chose. He was told that the Commission would not entertain any plan, which included movement to a foreign country where there could be no supervision.

He explained that he thought that the Commission would be amenable to some kind of "deal" in view of the fact that the most recent decision provided Gambino with a release date and actually changed his 15 year reconsideration date from

2010 to a release date in 2007. He interprets the change in position as an indication that the Commission would be willing to release him if the right set of circumstances were to be arranged, i.e., leaving the country, house arrest or some other restrictive condition of release.

For some time, he repeated the same issues that he brought up during earlier visits, i.e., his claim that Gambino is the victim of prejudice in view of Mike Stover's comments on the NAB notice of a couple of years ago. He feels that 15 years of service is excessive and unfair in that Gambino's codefendant offense severity is rated differently. He complained about the fact that it took the Commission much too long to make a decision as a result of the last hearing and did not issue the NOA until after the date that was recommended for release.

I took this opportunity to again repeat the procedure in all cases, that is, the case is initially completed by one examiner, reviewed by another after the summary is typed and then referred to the Commissioner where the recommendation could be modified. I advised Clinton that it was not unusual to have a split recommendation such as happened in the Gambino case. He then asked about the Commissioners involved in the decision. I told him that Commissioner Simpson initially reviewed hearing cases, but since this was an OJ case, a NAB Commissioner further reviewed it. He asked whether Chairman Gaines voted on this case and I advised him that it was not necessary since two commissioners agreed in the decision. Chairman Gaines would have voted only if there were a split in the Commissioner's decision. He asked if Chairman Gaines would be involved in the appeal and I advised him that OJ Appeals are indeed heard by the full Commission at their regularly scheduled quarterly meetings. Clinton mentioned as an aside, that he knew that Commissioner Simpson would not vote to release Gambino since he was Secret Service and left the Director's position when his brother came into office.

I told him that I could speak only generally about this case to him since he was not Gambino's official representative. He acted as if this was new information to him but I reminded him that this was mentioned to him during his first visit to this office. He then asked what was needed to be regarded an as official representative. I advised him that Mr. Gambino would have to execute a release of information form, which would permit Clinton to be privy to certain information and allow Clinton to speak and act on his behalf. Clinton anxiously stated that he would be sure to get the release of information form completed.

At the conclusion of the meeting, Mr. Clinton asked that I intervene with Chairman Gaines and advise him of the visit to the office as well as advise him of the issues in this case. I advised Mr. Clinton that I would not make any plea directly to any specific Commissioner about a case, but would put his concerns in written form.

An interesting comment that he made at one point was regarding the questions that people ask him because of his relationship to the President. He said the most frequent question asked was "How does it feel to be "first brother" and the second most frequent question asked was, "Can you get ------- out of prison." He went on to say that he rarely gets involved with people in prison, but Thomas Gambino

(son of the prisoner) convinced him that that this was a worthy cause. He has never personally met Rosario Gambino and he asserts that the President is aware of his efforts in Gambino's behalf.

FBI Agents Dalrymple and O'Connell felt that this essentially "closed" the investigation in this case since Mr. Clinton made no improper suggestions or courses of action in order to secure the release of Gambino.

Lynn Battaglia 3/25/99

She encouraged them 2) me call bec as former mgr, she understood my dilemma — thinks of it as her resp if something

RC is not a public figure — so when he asks, we do) concerns — bur. cks w/us bec it's imp to) legal advice —

in the end
it didn't evoke anything —
it's not go'g anywhere —

not atypical @ all to have body wires

Diff betw U + me — [illegible]

concerned about impact on cases –

I don't think σ anything U felt
wasn't appropriate + right –

Kevin's been do'g this for yrs –

known him since 1972 –

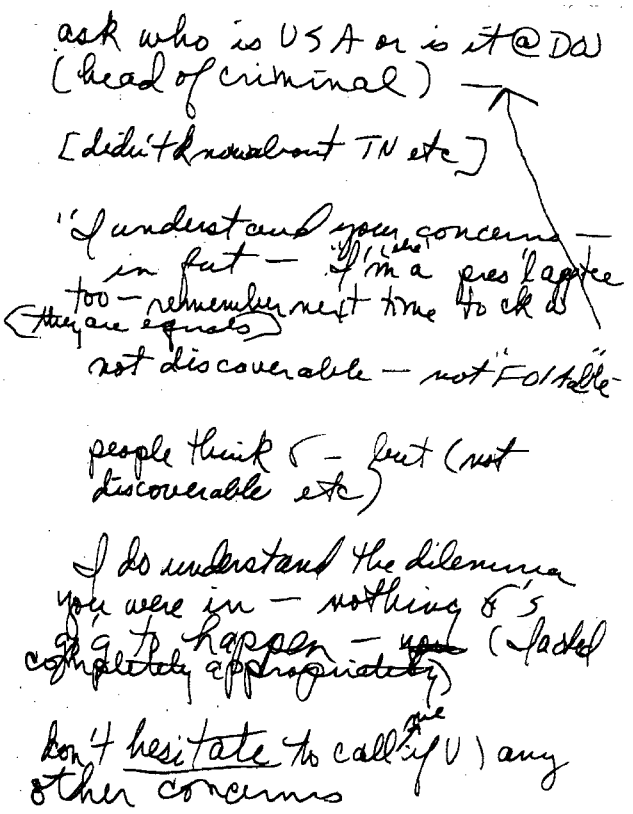
I think σ if I were in your
position again – call USA –
meet w/us –

not a win-win,
sort of a maybe-maybe –

not FOIA

[mentioned my status as appointee]

we've gotten suckabad rap bec of
Ken Starr – horrible –



ask who is USA or is it @ DOJ
(head of criminal) —

[didn't know about TN etc]

"I understand your concerns —
in fact — I'm (she) a pres'l agtee
too — remember next time to ck w
(they are equals)
not discoverable — not "FOIAable"

people think G — but (not
discoverable etc)

I do understand the dilemma
you were in — nothing G's
go to happen — ~~you~~ (I added
completely appropriately)

don't hesitate to call me if U) any
other concerns

Lynn Battaglia Tel Call 3/25/99

I rec'd a call late today from the USA for Balto, Lynn Battaglia. (She was responding to my call. I had called her at the advice of Jackie Dalrymple.)

Gen'l Battaglia told me that she had encouraged Jackie & Kevin to have me call her because "as a former manager" she felt she understood my dilemma (in making a decision regarding USPC staff & the Bureau's investigation). She said that she herself in her current position thinks of it as her responsibility if something goes wrong that involves her staff, etc. She recounted an episode which she felt very much had affected them, and described how she had tried to handle it, her concern for her staff, etc. & drew the analogy with my staff & me, etc.

I told her that I personally was not aware of any unlawful requests from RC, that I had met with him twice. I also said that it was troublesome to me that this investigation was underway, that he was not the only person to inquire about unsavory cases, etc.--I mentioned that we get requests from members of Congress, etc. from time to time. She pointed out that RC is "not a public figure," so that when he calls, "we do have concerns."

She said that Bureau checked with them bec. it was important for them to have legal advice.

As for the most recent ofc. visit (3-23) she stated that "in the end . . . it didn't evoke anything--it's not going anywhere."

On the subject of body wires, which I questioned, she said that it is not "atypical at all to have body wires."

I told her what I had said many times previously, to the FBI agents, to Stover, to the Chairman, etc.: that while I was sympathetic to the need of the Bureau to conduct its investigation, and that while we have parallel missions, our functions are different--their function is to investigate, but our function is decisionmaking, and therefore, I had to be apprehensive about possible impact on on-going cases. She acknowledged the difference between us, and said she understood that I had to be concerned about any impact on cases.

She said that she didn't think that anything I felt wasn't "appropriate and right."

She reassured me that Kevin was a good, competent agent. He's been doing this for years, she said, and she added that she has known him since 1972.

She said that if she were in my position again (in the future), that she would call the USA & meet with them.

She said that I wasn't in a win-win; it was sort of a "maybe-

maybe."

She assured me that the investigation, tape, etc. were not FOIAble, not discoverable.

I mentioned my status as a current Commission appointee, & said that I had felt doubly pressured, wondering whether I should have mentioned it before to Jackie & Kevin. On the other hand, I said, they probably knew anyway. She was extremely sympathetic, and said that was all the more reason I should have called her, that she herself is an appointee and could commiserate, etc. I told her that I at first didn't know whether it was Ken Starr's investigation, and my concerns re: a vendetta, etc. She said, yes, we've gotten such a bad reputation because of Ken Starr, it's horrible, etc.

She said if anything like this should come up in the future, I should find out who the USA is, or, if it were at the Dept. of Justice, find out who the head of "Criminal" is--these are political appointees who would be sensitive to my position and concerns, etc.

I mentioned that this was not my first FBI experience, and she stated that she was unaware of the TN experience.

"I understand your concerns," she stated. In the future, be sure to contact either the USA or the head of DOJ's Criminal Division. "I'm a presidential appointee, too . . . remember next time to check with them (USA or head of DOJ Criminal); they are equals, she said.

Again she assured me that the info from the investigation thus far is not discoverable or FOIAble. "People think that it is, she said, but it isn't."

She again stated that she understood my dilemma, and that nothing I had done was problematic, that I didn't need to worry, nothing that's taken place was inappropriate. I had acted "completely appropriately," she said.

"Dont hesitate to call me if you have any other concerns," she reiterated.

RE: The anticipated request

1. This is not a decision you could make.

2. A request to do this would have to go to the Commission.

3. You would not authorize it if you could.

4. You are confident the Commission would not authorize it.

5. Regardless of the Commission's decision on such a request, the mere involvement of the Commission by presenting such a request to them impacts on their ability to carry out their statutory duties.

6. Any issues affecting, or having the appearance of affecting, the Commission's ability to carry out its statutory duties requires, according to our general counsel, notification of the Attorney General.

7. While a decision was recently made in this case, it is not out of the Commission's jurisdiction. Apparently, an appeal has been, or will be, filed, and future parole considerations will occur.

8. Commissioners recuse in cases where they feel there is even the appearance of possible conflict or inability to render an impartial decision.

9. There are only 3 Commissioners, and recusal could mean that the inmate's appeal and future parole reviews could not be acted on.

10. While keenly interested in cooperating with law enforcement, the overriding concern of the Commission must be carrying out its mandate under Federal law.

(written but not sent)

From: MARIE RAGGHIANTI
To: ~~RagghiantiM~~ SG
Date: 9/23/98 9:59am
Subject: Your memo of this date

Thank you for your response to my request Sept. 16th. I would like to state for the record that Roger C. did not at any time complain to either Tom K. nor myself about "allegedly rude treatment by Commission staff members." I suppose you are referring to my statement that I felt that Michael S. had been "gratuitously rude" to Roger C.--an inference I made based on a memo that I believe Michael S. wrote in a memo for the file (not the decisionmaking file).

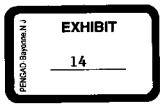
I am not here to defend Roger C., however, your statement that "he may have attempted to influence the Commission's decisionmaking outside official decisionmaking channels" troubles me--unless of course you consider every contact from the outside--Congress, gov't officials, media, etc. an attempt to influence the Commission's decisionmaking outside official decisionmaking channels. Do you?

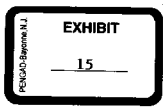
Also, I wish to remind you that neither Tom nor I provided Roger C. with any inappropriate information. Instead, we reminded him--courteously--that we could not discuss the case with him in any detail, but that the case would be handled normally & fairly.

While there is no provision in the Commission's statute or rules entitling any member of the public to a meeting with Commission staff, based on my knowledge since being here, it is not extraordinary for USEC staff to occasionally meet with a member of the public. Congressional representatives, attorneys, etc.

One week has passed since my request for advice regarding development of an interim protocol for handling sensitive cases. Why haven't you let me know that you didn't know what I meant? By sensitive cases I mean situations like this one, where the FBI is evidently investigating a matter perhaps related to someone under our jurisdiction, when the General Counsel may decide that the Chairman and Commissioners should not be informed. The Chairman does not believe that such a unilateral decision should be made by one person. I have discussed this matter with Michael S., and he justified his decision by pointing out that the Commission has only 3 members at this time, which makes it particularly difficult if and when one member recuses himself. Since we know that in the future we will have as many as 5 members, it seems to me that we should develop an INTERIM protocol, or procedure, in the event that a situation like this one arises in the future. One obvious procedure, it seems to me, would be for the General Counsel, the Chief of Staff, the Case Ops Administrator, and perhaps yourself, to convene for the purpose of determining a course of action consistent with the welfare of the Commission and its statutory function.

(informal ofc visit instead)





March 22, 1999 meeting with Sharon Gervasoni

I went to meet with Sharon Gervasoni in the afternoon, feeling an acute need for legal advice, and having suffered a breakdown of confidence in the advice of Michael & Rocky (Michael more than Rocky, since he had blatantly denied advice he has given repeatedly re: Tom's right to make a "personal" decision re: participating in the apparent sting of RC, & his parallel advice to the Commisioners that for them to try to influence Tom in any way might leave them open to a charge of obstruction).

I told Sharon that I needed her advice badly, and that I would appreciate it if she would be candid, and give me her own ideas, as opposed to what she might think Michael thinks. I reminded her that at one time she had apparently agreed with me that the Commission should handle the Gambino situation as it normally would (at the time--Jan. 26th--that would have meant simply writing a letter to RC reiterating our inability to see him, etc. rather than allowing our staff member to actively involve himself in an apparent sting). This, I pointed out, was prior to our calling Michael at home, and learning that he didn't see it that way at all, etc. I then recounted the events of Fri. afternoon, beginning with Tom's report that RC had called him again, asking for an interview this week, and Tom's subsequent call to Jackie Dalrymple, his telling me afterward that they would be setting up a callback (to Roger) on Sat. which would result in a meeting at the Holiday Inn restaurant, Tom's wearing a body bug, etc. I told her what the original scenario had been [& also that I had personally opposed it--but that the C's had voted 2 (for)-1 (abstention) that they would not oppose the Bureau's plan for Tom to introduce one of their agents as a member of our legal staff, etc.], and that the original plan did not include Tom's wearing a body bug. I also told her of my concerns that the Commission had not been given good legal advice re: its conduct of the entire affair, especially since Michael's & my Fri. conversation with Olson & Margolis suggested that Margolis saw the Commission's responsibilities as I did, & not as Michael did.

I also told her that the C's had been advised (by Michael Stover) that they might be perceived as obstructing justice if they didn't allow Tom to go along with the Bureau's scenario. [I told her that Michael was now denying this, saying that only Commissioner Simpson had ever raised the obstruction of justice issue.]

I informed her that since Margolis's perception appeared to match my own, as far as the Commission's right to maintain its normal authority in directing its employee in the conduct of USPC business (without fear of obstruction accusations), I now felt that it was appropriate to instruct Tom that he should conduct any further business with Roger C. as he normally would, and that this did not appear to include a meeting at a local restaurant where he might introduce a Bureau agent as a member of our legal staff.

While Sharon & I were still talking, Tom came in, so the 3 of us

concluded the meeting together. On Tom's arrival, Sharon stated that she was a little uncomfortable acting in Michael's absence (he is in Japan), since he evidently knew more about details of the matter than she. She expressed reservations, too, about Rocky Chickinell being next in command, and reminded us that she is "4th" in seniority. I assured her that this did not concern me (as I had already mentioned my misgivings about the advice I had received so far). I did feel it was necessary to point out that she already knows more about the case than the other members of Legal, and additionally, is our Ethics Officer, a fact which I consider to be relevant.

I had brought up the fact to Sharon that Margolis had stated at one point in our Fri. tel. conversation that the Commission might be better protected if there were a taping of the next interview, and asked her what she thought. She indicated that that made sense to her. We brought this up to Tom, and Sharon proposed (openly) setting the tape recorder out on the desk when RC arrived. Tom immediately said that would be offensive to RC, and that he (Tom) would be embarrassed to do it. After some discussion, Sharon indicated that perhaps the only suitable alternative would be a surreptitious recording. I expressed my misgivings about it, but could not help but agree with Tom (that it hardly seemed feasible that he should set out a recorder in front of RC, bec. it would be offensive).

Both Tom & Sharon made as strong a case as possible in favor of doing it surreptitiously, reminding me of what Margolis had said, & that it would protect everybody (the USPC as well as RC) if things went as we expected. Finally, and agonizingly, I relented, feeling really that in light of what all 3 people (Margolis, Sharon & Tom) had said, perhaps it should be done.

March 23, 1999 Tel. Discussion w/Margolis

I hardly slept that night, and came in Tuesday morning, determined to call Margolis to clarify whether he had meant we should record the interview with RC openly or surreptitiously. He said that after all we have already been thru, he thought we should go ahead & do it surreptitiously, and reminded me again that it would resolve any discrepancies or ambiguities, etc. I asked him what was wrong with Tom just writing up a description of what was said, and he said that while that was fine, a recording would resolve any ambiguities or inconsistencies, etc. At that point, even though I still had misgivings, I felt I had no choice but to proceed. I did believe that an unambiguous record, with any luck at all, might bring all this to a close (while a description of what was said might serve to drag the ordeal out that much longer).

At the beginning of our conversation, Margolis stated that the question of whether the USPC had authority over its staff person consisted of 2 steps: (1) if the staffperson wanted to say no to the Bureau, that (in his view, at least) should have been the end of it. In other words, if the staffer (Tom) was reluctant to do

it, he should not be forced to. However, (2) if he WERE willing, then the next question was whether the USPC was willing to let him do it. This was exactly how I saw it, and I told him that.

Margolis asked me where Stover stood on all this. I told him Michael was out of the country, but that since he had strongly supported the original plan (for Tom to introduce a Bureau agent as a member of our legal staff at a nearby restaurant, etc.), there was little doubt in my mind that he would be supportive of today's meeting being recorded. However, I also reminded Margolis that Stover had originally instructed us that the USPC could not properly instruct its own staff person in what to do re: the investigation, etc.

Margolis said that since there is an undercover operation, it was "fairer" to record. He acknowledged the distinction betwen meeting off premises in a restaurant vs. meeting in the office. He insisted, however, that having a tape recording didn't cause him any "angst." He asked me why, if there was no problem with our staffer meeting with RC, why not go ahead & record? The big decision, he said, was whether to do it at all--as he saw it, the issue of recording was "minuscule." He said if you're going to report back to the FBI (I didn't clarify that we would answer any inquiries from them, rather than be pro-active, etc.), he had no problem with a surreptitious recording. A recording, he said, made it less likely that there would be any misunderstanding. He even said that a recording might be "fairer to RC"--in that it could get the entire matter resolved as soon as possible (THIS got my attention, and rang true). He went on to say that otherwise, the whole thing "could linger forever--or indefinitely." And down the road, he said, who knows what may happen?

He cautioned me to tell Tom that he shouldn't be talking about this, that discretion was paramount, etc.

Finally, he said, "do I think this will end it? No." When 2 people walk out of the same meeting, he said, they very often have differing impressions of what transpired. This, he said, was one more reason to make a recording.

At the end of our conversation, he asked me to let him know when it wa over. Again, he said that he was "sure" this wouldn't be the end of it. However, this discussion with him had persuaded me that I really had no recourse but to allow the recording to proceed, even though it made me very unhappy.

6 pm telephone conversation with Margolis (also 3-23-99)

Called Margolis to tell him what had transpired. Offered to send him Tom's report, but he said that wasn't necessary. I told him I had asked Jackie & Kevin for a copy of tape, and that they had said they would have to check with their superiors, that it was considered to be "original" evidence, etc. I felt mildly annoyed,

since it was not clarified in our last meeting that they would make the recording, and certainly they had not clarified that we might not have access to it. As I saw it, since it took place on our premises, etc. we should be entitled to it. However, I did not express my annoyance, since I wasn't sure whether it was even appropriate to ask for it. For this reason, I asked Margolis whether he thought it was appropriate. He said there was no problem, that it was "not inappropriate to ask," but that we might be better off not hearing it. When I asked why, he said, suppose it gets leaked to the Washington Post? Then you would be among the universe of suspects for having leaked it. I thought he had a point, and this made me have second thoughts about wanting to hear it at all.

March 24, 1999 conversation with Tom

Tom told me in a brief conversation that prior to the Tues. mtg. with RC when Jackie & Kevin came to his office (& prior to my arrival), they had asked him to offer to set up Roger with "one of our analysts" by giving him a telephone number. He said, however, that he did not do this, and that he figured they were probably annoyed. My private reaction was that I doubt they are as annoyed as I am at hearing that they asked for this, which was certainly not in the sphere of what they knew I had asked of Tom.

After hanging up from Margolis on that Tues. morning, I had gone down to see Tom, taking with me a copy of my October letter to RC, as well as Stover's handwritten 1st draft of it (so that Tom could see that it was Michael who had worded the part about USPC policy with regard to interested parties, etc.) I was disconcerted to find Jackie & Kevin in his office, because, as I've already said, I had no idea that they would be monitoring the visit with RC, installing microphones in the ceiling & desk, etc. (I thought Tom would simply place one of our little recorders in his desk drawer.) When I saw them, I was not at all happy, but kept it to myself, because it seemed to be perhaps a little hair-splitting, if we were going to do it at all (as Margolis had pointed out).

I felt that they were waiting for me to leave, and I was waiting for them to leave. But not wanting to do anything hostile, I made a decision to just go ahead & openly tell Tom what I had come to tell him, re: opening his mtg. with RC by saying this would be their last mtg., etc. & then referencing my October letter, etc. I emphasized once more that he should conduct the visit as he would normally conduct any interview, etc.

Jackie then picked up a large black canvas shoulder bag and said I'll go get the car & meet you (Kevin) out front. I went out with her, but stopped at a nearby office, killing time & waiting for Kevin to leave. He didn't. Finally, I saw both Tom & Kevin standing at the window, obviously watching for RC's arrival. At that point, I went back into T's office, and said, "Now remember, Tom--business as usual!" And he answered, in a joking way (tho I

knew he was serious), "Yes M'am!" I then left, and went up to watch & wait for RC.

It was a very long wait, but finally I saw him arrive by cab, get out (with what appeared to be a newspaper in his hand), and start toward our building. Almost immediately, I saw Kevin go out & get into the car with Jackie. They then backed their car up to the dead end of our street, where they sat for awhile, till a meter maid asked them to move. It became increasingly clear that they must be listening to the RC/Tom meeting from their car, & I was distraught, but helpless. At that point, all I could do was pray.

After a seemingly interminable period of time, I decided to go see what I could see of Tom's office. I was so distraught that I absentmindedly went UP stairs (to the roof) instead of DOWNstairs, where Tom's office is. When I got there, I peered around a desk, & saw Tom staring out the window. He turned & saw me & I said, "Is he gone?" He said "Yes." I went straight to him, and he said, "Nothing happened. He didn't say anything inappropriate." I said you're kidding, & he said, no, it was just like we thought.

Later, Tom told me that when RC was leaving, it occurred to him that he would like to have a copy of one of RC's CD's, & he would have asked him how to get one but the tape was still running & he didn't want the agents to think he was asking for a bribe!

January 14, 19999

For the File

Monday (Jan. 11)

Rec'd word from Michael while in Phoenix that the FBI was asking to interview Sam Robertson to inquire whether he had been contacted by R.C. during the time he was working on the Gambino case. I asked whether this indicates that they (FBI) have somehow learned that he has made a recommendation, or what his recommendation was. Michael (seeming mildly flustered) said, why yes, bec. I turned over the letter R.C. sent, you know, the flowery one, thanking Tom for the USPC's help (or words to that effect). He then read (at my request) a memo about the matter which we both decided should not be faxed. (I asked him to overnite it.)

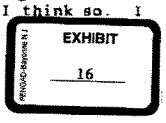
Tuesday (Jan. 12)

Picked up the letter which Michael fedexed; however, did not have time to re-read it till yesterday (Wednesday) on the way back from Phoenix.

Thursday (Jan. 14)

Spoke briefly with Michael again about the Gambino case. I told him about my calls from the White House Counsel's Office, and how at the end of the tel. interview, a kind of general question had been asked as to whether there might be anything in my background or experience which could embarrass the President. Of course, I said no. They had also asked whether I had any "enemies" (or words to that effect) here at the USPC, and I had said no to that, too, of course. (I may have qualified it by saying not that I know of, but of course, one never can be sure that one hasn't offended somebody, when one is Chief of Staff--or words to that effect). Somehow, the woman I spoke with (Chris Puffer) said something at one point (we were talking about my children, I think) about how we all have relatives whose problems may cause us difficulties (again I'm paraphrasing), etc. When she said that, I suddenly thought of the Pres & his brother. After hanging up, it occurred to me that the Pres has a brother who may embarrass him, etc. and I wondered whether it would be appropriate for me to say so in the interview. I thought about it idly, but somehow it seemed inappropriate, esp. since I remain convinced that R.C. is guilty primarily only of poor judgment (as to how it might appear if others knew of his interest in the Gambino case). I later asked the Chairman whether he thought it was appropriate for me to tell Chris about the matter, and he said he did not. I felt better then, knowing that we both agreed.

But today, in light of the new turn of events (FBI back on the scene, so to speak), I decided to ask Michael what he thought. To my surprise, he at first seemed to say that he thought I should tell the WH. I said, are you sure? He said, well, I think so. I



said well, what would the FBI say if we asked them? He said, well, they haven't told us not to tell anybody--which I had recalled noticing. However, I said to Michael, I inferred that we are not supposed to be telling anybody, WH or otherwise. [I have felt guilty about not telling the WH, however, from what I've seen, it would be easy to be accused of obstructing justice if I did.] Then Michael seemed to change his mind. You know, you're right, he said. I think I'm going to have to retract my first answer. I think that perhaps you should not. I don't know, it's tricky, he said. So then I said, well, I feel that I'm betw a rock & a hard place. I want to do what is *moral, ethical, and legal*. What should I do? What is the moral, ethical, legal thing to do? I have not done anything wrong--and I still believe that R.C. is guilty of only poor judgment--in other words, I do not truly believe that any criminal behavior has occurred here. What is the moral, ethical, legal thing to do? What is proper? Finally, Michael seemed to come down on the side of not telling the WH.

I then spoke briefly with the Chairman about what Michael had said, and he agreed that it would be inappropriate for me to tell the WH. But he also agreed with me, in that we both feel bad about not being able to tell the WH.



Notes of Conversation with Jackie Dalrymple, Kevin O'Connell, Tom Kowalski, March 23, 1999

At about 10:15 am I went down to take Tom a copy of my letter faxed to Roger C. last Oct. 26th, and to clarify/finalize last minute details regarding his 10:30 am appt. with RC. When I arrived at Tom's office, I was surprised to find both Jackie & Kevin, & I surmised that they must have been setting up Tom's office with a recording device, which made me uncomfortable since I had envisioned Tom doing it with USPC equipment. (I had just spoken with Dave Margolis.) When I noticed Jackie's large canvas shoulder bag (black), I realized that they were going somewhat further than I had envisioned, & I was a little disconcerted, but said nothing. It then appeared that they were waiting for me to leave, as I was waiting for them to leave. Seeing that, I decided to speak candidly to Tom in their presence, and said, Tom, here's a copy of the letter from October. I then pointed out to him its last paragaraph, which appeared to be in conflict with what he had stated yesterday (to Sharon Gervasoni & me) was Commission policy with regard to visitors, etc. I had with me a copy of Michael Stover's handwritten 1st draft of the letter, so that he could see that it was Michael & not myself who had described what our policy was. (I wanted Tom to see that it was not a mistake of mine--so that he would not think perhaps that I had deliberately misled Roger or whatever.)

In Jackie & Kevin's presence, I reminded him of what Sharon had said re: saying to RC at the outset that this would be their last visit, then referencing my letter regarding putting future requests in writing, etc. In other words, to conduct USPC business in a normal manner. I then left for a few minutes (Jackie preceded me, saying that she was going to the car & would pick up Kevin out front).

After stopping in to speak in a nearby office to Sam Robertson & Charles Lyons, I returned to Tom's office, to find Kevin & him both looking out the window, obviously watching for RC's arrival. I said, now remember Tom, business as usual! And he replied jovially, yes m'am! I then returned to my office.

After the longest hour & a half of my life (well, in the last 20+ years), I returned to see whether RC had come & gone. Evidently, I arrived immediately following RC's exit, and immediately prior to Kevin & Jackie's return--I said, Tom--has he gone? And he said yes, he just left. I said how'd it go & he said--it went great, he didn't say anything out of line, it was just fine! I said thank God, are you sure? And he said, yes, he just said all the usual things--the things he's said before, and he didn't say anything unusual--was exactly like we thought it'd be. I was greatly relieved.

A few seconds later, Jackie & Kevin walked in, and I said, well, what do you think? Kevin said, it's over, Marie, that's it, I think we've got enough to close this down. I said really, are you

serious? And he said, yes, we just needed to bring this to a close one way or another, & I think this does it. (For some reason, I didn't quite believe him.) Then he stepped out of his shoes, stood on Tom's desk, & removed a tiny recording device from the ceiling. (He put one stockinged foot in Tom's "in-box" I couldn't help but notice.) He then climbed down, pulled out one of Tom's desk drawers, and removed a second device. All the while, Jackie was talking, to the effect that he really hadn't said anything out of line, etc.

Later: Why should I have even asked - it was USPC business.

I said, well, what was said? Can you tell me? Also, I asked, is it appropriate for me to ask to listen to the tape? [I had mentioned prior to the meeting with RC that I wanted to listen to the tape immediately following the meeting, & had noted that their facial expressions belied the likelihood that they would want me to do that.] I was not surprised (therefore) when Jackie held up the tape in question & said, well, this is original evidence & even we are not free to listen to it until it's copied. However, they indicated that they would request that a copy be sent to me. I stated that I felt that since it was done on our premises, etc. that we might be entitled to a copy. I also inquired whether it would be inappropriate for Tom to record the details of the meeting in writing, since that would be "normal procedure." They indicated that that was fine. (Of course, we would have done it anyway.)

Conversation ensued re: the meeting, and more than once, at least several times, Kevin seemed to be at pains to assure me that it was "over," that the case was "closed," that they had followed it thru to the end, & that this was the "end." etc. For some reason, I still doubted him, but who knows?

There was discussion re: the fact that RC indicated that he planned to contact "Michael." I was confused, thinking perhaps he meant Michael Stover, but he in fact had meant the Chairman. To this I responded that the Chairman is known as "Mike" (not Michael" by his friends, and that RC was just name-dropping, & they agreed that that appeared to be the case. I also expressed something between dismay & hilarity at the prospect of Mr. Clinton STILL attempting to contact the Chairman. I reminded them that he has been trying to contact the Chairman since 1996, & that he has never once succeeded in getting thru, & that should he try again, he would undoubtedly fail again. I said that what would probably happen (should it occur) would be for the Chairman to once more turn it over to me, & that (should that happen) I would simply write another letter asking for his comments in writing.

I let them know that the Chairman & I were both concerned about the USPC's lack of a clear policy regarding contacts about parole cases. I told them that since I had learned of RC's remark about the "Dole appointee," I was convinced that that was the reason he could never give up, never accept that he couldn't get in to see the Chairman--he had learned from reliable sources, I speculated, that the Chairman's predecessor (the Dole appointee) had been very different about discussing cases with interested parties. I

reminded them that the two men's styles were very different, partly because of their past career experience. I pointed out that Mike Gaines had been a parole board chairman in the past, while Ed Reilly had been a state senator in the past. Politicians, I said, are used to wheeling & dealing, etc. However, I reminded them, the Chairman had been scrupulous about not talking to RC in the past, and that there is no doubt that--if an attempt to contact him again is made--he will again scrupulously turn it away.

Jackie stated that they would want to know if the Chairman were to be contacted. She stated that obviously, he was free to handle it however he saw fit, but that they would like to know.

There was a bit of discussion re: whether (as he claims) RC has actually discussed this case with the President. I indicated that I thought it unlikely.

At some point I stated that I was astonished to find myself again in a situation like this one, comparing it to the Tennessee events of 20 years ago. (I had referred to those events when talking with them several times, yesterday saying that those events were pretty black & white, while this was more complex, & gray.) I said that I had been happy when I was appointed to my current position, bec. I realized that I might easily be seen as some kind of maverick, given my reputation from Tennessee. I said that I felt that when I was appointed, it demonstrated that the Administration did not see me that way. I said that even though I'm not a Presidential appointee like a Commissioner, that my appt. did go thru the Ofc. of Presidential Personnel, & I had the impression that they could have vetoed it. I tried to convey that my feeling was that this Administration was honest or they wouldn't have appointed me.

We left Tom's office together (Jackie, Kevin & myself). We shook hands, and Kevin said thank you Marie for going the last mile with us (or something like that), and it appeared for that moment at least that he was sincere (which surprised me a little, bec. I felt they probably considered me more of a hindrance than a help). I said, well, I hope it was useful in some way, and they assured me that it was ~~(though I still can't see how)~~.

Memorandum

Subject

Roger Clinton Visit to the Office
On March 23, 1999

Date

March 23, 1999

To

File
U.S. Parole Commission

From

Thomas C. Kowalski
Case Operations Administrator
U.S. Parole Commission

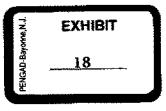
On this date Roger Clinton visited the office regarding the case of Rosario Gambino. This interview was being secretly recorded and monitored by the FBI.

Before he could get into any conversation, I reminded him of the letter forwarded by Marie Ragghianti on 10/26/98 regarding any further personal appearances in the office. That letter indicated that he was expected to submit any further information on this case in writing. He indicated that this would be his last visit to the office at least through the present channels. He intimated that any further contact with the Commission would be with the assistance of the White House. He acknowledged that he was aware of the intent of the letter although he had what he believed to be significant new information to submit in addition to a suggestion he wanted to make about making some kind of "deal" in order to secure Gambino's release from custody.

He began his conversation with some statistics from some recent newspaper articles, which reported prison overcrowding throughout the country. He used this as a springboard to suggest that the release of Gambino could help reduce prison population.

He indicated that he was in show business and that just about anything could be arranged. In regards to a "deal", he was presenting a suggestion that Gambino would be willing to relocate out of this country if necessary in order to be released from prison. He said he would be willing to return to Italy or any other country that the Commission chose. He was told that the Commission would not entertain any plan, which included movement to a foreign country where there could be no supervision.

He explained that he thought that the Commission would be amenable to some kind of "deal" in view of the fact that the most recent decision provided Gambino with a release date and actually changed his 15 year reconsideration date from



2010 to a release date in 2007. He interprets the change in position as an indication that the Commission would be willing to release him if the right set of circumstances were to be arranged, i.e., leaving the country, house arrest or some other restrictive condition of release.

For some time, he repeated the same issues that he brought up during earlier visits, i.e., his claim that Gambino is the victim of prejudice in view of Mike Stover's comments on the NAB notice of a couple of years ago. He feels that 15 years of service is excessive and unfair in that Gambino's codefendant offense severity is rated differently. He complained about the fact that it took the Commission much too long to make a decision as a result of the last hearing and did not issue the NOA until after the date that was recommended for release.

I took this opportunity to again repeat the procedure in all cases, that is, the case is initially completed by one examiner, reviewed by another after the summary is typed and then referred to the Commissioner where the recommendation could be modified. I advised Clinton that it was **not** unusual to have a split recommendation such as happened in the Gambino case. He then asked about the Commissioners involved in the decision. I told him that Commissioner Simpson initially reviewed hearing cases, but since this was an OJ case, a NAB Commissioner further reviewed it. He asked whether Chairman Gaines voted on this case and I advised him that it was not necessary since two commissioners agreed in the decision. Chairman Gaines would have voted only if there were a split in the Commissioner's decision. He asked if Chairman Gaines would be involved in the appeal and I advised him that OJ Appeals are indeed heard by the full Commission at their regularly scheduled quarterly meetings. Clinton mentioned as an aside, that he knew that Commissioner Simpson would not vote to release Gambino since he was Secret Service and left the Director's position when his brother came into office.

I told him that I could speak only generally about this case to him since he was not Gambino's official representative. He acted as if this was new information to him but I reminded him that this was mentioned to him during his first visit to this office. He then asked what was needed to be regarded an as official representative. I advised him that Mr. Gambino would have to execute a release of information form, which would permit Clinton to be privy to certain information and allow Clinton to speak and act on his behalf. Clinton anxiously stated that he would be sure to get the release of information form completed.

At the conclusion of the meeting, Mr. Clinton asked that I intervene with Chairman Gaines and advise him of the visit to the office as well as advise him of the issues in this case. I advised Mr. Clinton that I would not make any plea directly to any specific Commissioner about a case, but would put his concerns in written form.

An interesting comment that he made at one point was regarding the questions that people ask him because of his relationship to the President. He said the most frequent question asked was "How does it feel to be "first brother" and the second most frequent question asked was, "Can you get ------- out of prison." He went on to say that he rarely gets involved with people in prison, but Thomas Gambino

(son of the prisoner) convinced him that that this was a worthy cause. He has never personally met Rosario Gambino and he asserts that the President is aware of his efforts in Gambino's behalf.

FBI Agents Dalrymple and O'Connell felt that this essentially "closed" the investigation in this case since Mr. Clinton made no improper suggestions or courses of action in order to secure the release of Gambino.