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THE FALN AND MACHETEROS CLEMENCY: MISLEADING EXPLANATIONS, A RECKLESS DECISION, A DANGEROUS MESSAGE

THIRD REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

together with

DISSENTING AND ADDITIONAL VIEWS

Available via the World Wide Web: http://www.house.gov/reform

DECEMBER 10, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, December 10, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's third report to the 106th Congress.

DAN BURTON,
Chairman.

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106TH CONGRESS *1st Session* } HOUSE OF REPRESENTATIVES { REPORT 106–488

THE FALN AND MACHETEROS CLEMENCY: MISLEADING EXPLANATIONS, A RECKLESS DECISION, A DANGEROUS MESSAGE

DECEMBER 10, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

THIRD REPORT

On November 10, 1999, the Committee on Government Reform approved and adopted a report entitled "The FALN and Macheteros Clemency: Misleading Explanations, A Reckless Decision, A Dangerous Message." The chairman was directed to transmit a copy to the Speaker of the House.

FINDINGS OF THE COMMITTEE ON GOVERNMENT REFORM

The Committee on Government Reform has conducted an investigation of the President's decision to offer clemency to 16 FALN and Macheteros terrorists. Subpoenas were issued to the White House for documents, a public hearing was held on September 21, 1999, and this report has been issued. The Committee has reached the following conclusions as a result of its investigation:

• Some Within the White House Saw Political Benefit in the Release of These Terrorists. One of the key White House staff members during the clemency process wrote that the release of the 16 terrorists would "have a positive impact among strategic Puerto Rican communities in the U.S. (read, voters)." Other notes produced to the Committee indicate that White House personnel believed that certain Congressmen would not vote with the President unless he committed to releasing the terrorists. Jeffrey Farrow, a key Presidential adviser on this issue, wrote in an e-mail:

> We should think about a meeting soon with Reps. Gutierrez, Velazquez, and Serrano on the Puerto Rico

independence crimes prisoners issue. They have requested one with the POTUS but the options include the VP and John as well. The issue should be resolved soon—the petitions have been before us for a long time. The VP's Puerto Rican position would be helped: The issue is Gutierrez's [sic] top priority as well as of high constituent importance to Serrano and Velazquez.

• The Sentences Imposed Upon the FALN and Macheteros Prisoners Were Fair. The President and his spokesmen represented that the 16 offered clemency had served sentences in excess of what they would now receive under the sentencing guidelines. This is not true. According to the U.S. Sentencing Commission, which analyzed this matter specifically, "the federal sentencing guidelines generally would call for sentences as long as or longer than those actually imposed, if the defendants had been sentenced under current law." Furthermore, less than 9 months before the President and his spokesman made these statements, a senior Justice Department official informed a Member of Congress, in writing, "[t]he sentences are in line with sentences imposed in other cases for similar terrorist activity." Given the President's divergence from the Sentencing Commission and his own Justice Department, the Committee believes he should waive executive privilege and release the information he relied upon to make his public representations.

• The President and His Spokesman Misrepresented Facts Concerning the Terrorists. The President communicated that the 16 terrorists offered clemency were being held in prison "in effect by guilt by association." In fact, they were incarcerated because they had committed serious crimes and had been sentenced for those crimes. The individuals in question were not the non-violent wing of the FALN or Macheteros. They built bombs, were engaged in a wide-ranging conspiracy, and committed crimes that justified lengthy prison terms. There has been no suggestion that there were errors in the sentencing process.

• Those Offered Clemency Were Violent Offenders. In the days after the clemency offers were made, the President made an effort, through his surrogates, to convince the American people that those offered clemency were non-violent offenders. For example, National Security Adviser Sandy Berger, appearing on national television at a time when this issue was headline news (and therefore likely to be the subject of contemporaneous briefings), said "[t]hey're not individuals who personally were involved in violence." Below are some examples of the "non-violent" offenders offered clemency by the President:

Oscar Lopez: An individual so "non-violent" that he wouldn't renounce violence to get out of prison. In addition to crimes committed in furtherance of FALN goals, he plotted two escapes from Federal prison. One was from Leavenworth Penitentiary and, according to a Victim Impact Statement, he "planned to blow up Fort Leavenworth with the most powerful plastic explosives known to the military, riddle guard towers with rounds from automatic weapons, and throw grenades in the path of those who pursued them. To achieve their goals, Lopez and Brown considered killing the inmates who threatened Richard Cobb, killing George Lebosky after they became

suspicious of him, and killing firearms dealer Michael Neece to gain his weapons." He set in motion plans to obtain the following for his escape attempt: fragmentation grenades, smoke grenades, phosphorus grenades, 8 M–16 rifles, 2 silencers, 50 pounds of plastic C–4 explosives, 8 bulletproof vests, 10 blasting caps to use with plastic explosives, 100 30-shot clips to use with automatic weapons. In Lopez' probation officer's assessment, "[Lopez'] level of remorse, rehabilitation and positive regard for this court's process is minimal, if not nonexistent. He demonstrates a sustained consistent commitment to the use of violence and weapons. He will use any means to gain freedom for the purpose of undermining the principles of the United States government. He has already determined that human life is expendable for this purpose."

Juan Segarra-Palmer: In 1987, the U.S. Court of Appeals for the Second Circuit found that: "The [Federal] district judge also found that [Juan] Segarra-Palmer had organized and taken part in the attack in Puerto Rico on a United States Navy bus taking sailors to a radar station, on December 3, 1979, in which two sailors were killed and nine wounded."

Edwin Cortes: While planning Oscar Lopez' escape from Federal prison, the following statement by Cortes was recorded by the FBI: "[y]es, but she [Alejandrina Torres—another recently freed terrorist] has to have it loaded and cocked further back. If they have to shoot, they can shoot."

Finally, the seditious conspiracy counts in the indictments of 14 of the individuals offered clemency included the construction and planting of explosive and incendiary devices (bombs) at 28 separate locations.

• Those Offered Clemency Were Very Unlikely Candidates for Clemency. Prior to the offer of clemency to the 16 FALN and Macheteros terrorists, President Clinton had received 3,229 requests for clemency. He had acted favorably on only 3 of these requests. The 16 terrorists appear to be most unlikely candidates. They did not personally request clemency. They did not admit to wrongdoing and they had not renounced violence before such a renunciation had been made a quid pro quo for their release. They expressed no contrition for their crimes, and were at times openly belligerent about their actions. Some had been involved in escape attempts from Federal prison. One committed parole violations and was re-incarcerated. Some violated prison regulations, including possessing a weapon and a key capable of opening handcuffs.

• The White House Seemed to Want Clemency More Than the Terrorists. Notwithstanding the fact that the 16 did not express enough personal interest in the clemency process to file their own applications, the White House appeared eager to assist throughout the process. Meetings were held with supporters, and some senior staff even suggested ways to improve the likelihood of the President granting the clemency. Overall, the White House appears to have exercised more initiative than the terrorists themselves. For example, it was a White House working group that suggested President Carter be approached and that a letter be requested. In another peculiar turn of events, a senior adviser on this issue appeared to coordinate a meeting with supporters inside the White

House with a demonstration outside the White House. In addition, notes obtained by the Committee indicate that White House aides planned to identify "liberal supporters in key media outlets" in an effort to drum up more support for clemency. At the Department of Justice, the Deputy Attorney General at one point tasked the Pardon Attorney with calling a congressional office to "see where we stood on getting" a statement addressing repentance. It is highly inappropriate that members of the President's Working Group and the Justice Department would either organize outside support for the clemency or reach out to prod proponents of clemency to do things that made it easier for the President to find in their favor.

• Some White House Employees Thought the 16 Terrorists Were Political Prisoners. At least one White House employee consistently referred to the 16 as "political prisoners." Given the crimes committed by the 16 terrorists, it is disturbing that anyone, let alone a White House aide whose salary is paid by the American people, would deem these individuals to be "political prisoners." In addition, the Deputy Attorney General repeatedly described the 16 individuals offered clemency as "nationalists," rather than terrorists.

• The Department of Justice Appears to Have Changed its Recommendation to the White House in Order to Help the White House. The first Justice Department recommendation to the White House appears to have taken an unambiguous stand against clemency. Later, in June 1997, the White House recognized that the Justice Department still opposed clemency. In July 1999, however, according to a publicly reported leak from the Justice Department, a second report was sent by the Department of Justice to the President and no official recommendation was made. Instead, according to the Justice Department source, the report "contained what law-enforcement officials said was a more carefully worded analysis that presented the President with multiple options for each prisoner, from unconditional release to no leniency whatsoever." If this is true, the Committee is concerned that the Justice Department side-stepped giving an unambiguous recommendation.

• Law Enforcement Organizations Were Not Adequately Consulted Prior to the President's Decision. The FBI was not aware that the President was seriously entertaining the petitions for clemency. In addition, the Bureau of Prisons was not consulted. Had the White House asked for a review of the prisoners' recent telephone conversations, it would have found that several prisoners made remarks advocating violence.

• The Victims Were Ignored. Victims were unable to get meetings with the White House or Department of Justice. Some had tried to schedule meetings; they were simply rebuffed. Activists seeking clemency did get such meetings. Furthermore, while clemency supporters were updated regularly on the progress of the petition, victims were not even informed of the clemency decisions.

• The President's Clemency Offer Worked Against Solving Numerous Crimes. Generally speaking, violent criminals offered clemency have cooperated with law enforcement prior to their being offered clemency. In this case, the President did not even make cooperation with law enforcement a precondition for an offer of clemency. It remains a mystery why the President would not use every tool at his disposal to solve murders, robberies and bombings. Fur-

thermore, by removing any incentive to cooperate, it is now very unlikely that any of the terrorists will ever provide any assistance to law enforcement.

• The Clemency Decision Undermines the U.S.' Position in the International Fight Against Terrorism. The decision to grant clemency to the FALN and Macheteros terrorists sends a clear message that our demands for severe punishment, and our willingness to mete out severe punishment for terrorism, can be hollow. Of greater significance, it sends a message of encouragement to terrorists themselves.

• The President Has Set a Different Standard for Terrorists Who Are U.S. Citizens. The FALN and Macheteros terrorists are U.S. citizens. While they have served lengthy prison terms, the President has supported even more stringent penalties for members of foreign terrorist organizations. For example, he directed missiles to be fired on the camp of Osama bin Laden and an alleged chemical plant in the Sudan. Furthermore, he has been more inclined to strike at foreign terrorist organizations, regardless of the fact that the members have not been convicted of violent crimes under the protections of the U.S. Constitution and criminal justice system. From the perspective of the Committee, it undermines our international war on terrorism if we set a standard for U.S. terrorists that appears to be different than that set for foreign born terrorists. If sympathetic lobbyists can win the early release of terrorists in this country, our position is undercut when we ask other countries to take a hard line on terrorists of their own nationalities.

• The Clemency Decision Empowered Two Dangerous Terrorist Organizations. As the FBI made clear in a written statement prepared for the Committee's September 21, 1999, hearing: "The FALN and Macheteros terrorist groups continue to pose a danger to the U.S. Government and to the American people, here and in Puerto Rico. . . . The challenge before us is the potential that the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world."

• The President Should Waive His Claim of Executive Privilege. While he may be entitled to do so, the President should not continue to hide behind executive privilege. As many have done before him, the President should waive executive privilege and allow all citizens to gain a full understanding of what information he considered when he decided to release violent terrorists from prison.

I. Why the Committee Investigated the Offer of Clemency to the 16 Terrorists

On August 11, 1999, President Clinton extended offers of clemency to 16 terrorists incarcerated in Federal prison. Prior to these offers, he had offered clemency to only three Federal prisoners.[1] Thus, offers of clemency to so many members of a terrorist organization came as a great surprise. In an attempt to understand the justification for the offers of clemency, this Committee subpoenaed documents from the White House and the Department of Justice.

[1] Department of Justice production 000734–000755, at 000747. (Exhibit 1—This exhibit contains historical information related to grants of clemency).

The President responded by claiming executive privilege over critical documents relating to his decision.[2] In claiming executive privilege, the President refused to provide this Committee with material that would allow Congress an opportunity to see what recommendations were made to the President prior to his decision.

Granting clemency to violent terrorists is a matter of national significance. When the lives of American citizens are endangered and the victims of violent crime are treated with contempt, the oversight function of Congress is never more important. This is particularly true when the President of the United States not only withholds information from the people, but also uses the immense power of his office to mislead. This, in essence, is what occurred in the aftermath of the recent offer of clemency to the 16 terrorists. In such a situation, Congress is obligated to exercise its oversight authority.

The White House would have the American people believe otherwise. On September 16, 1999, Presidential spokesman Joe Lockhart said: "I think anyone who looks at the Constitution and understands what it means knows that Congress doesn't have an oversight role in this case."[3] Mr. Lockhart is wrong, and one can only wonder what prompted him to make such a statement. As Mr. Waxman, the ranking minority member of this Committee, stated at our September 21, 1999, hearing: "the President's decision was, as he said, on each one individually. Whether he is right or wrong, we will have to try to get as much information as we can to make a judgment."[4] Notwithstanding the President's claim of executive privilege, this has been what the Committee has tried to do.

Prior to the President's offer to the 16 FALN and Macheteros terrorists, he had received 3,229 requests for clemency. He had awarded early release to only three of these federal prisoners. This represents the lowest percentage granted by any President since 1900, the date the Federal Government began keeping relevant statistics.[5] Thus, it came as a surprise that President Clinton would make 16 offers at the same time, that he appeared to ignore all or most of the traditional criteria for exercise of the clemency power, and that he acted to benefit not just one or two individuals, but an entire terrorist organization.

The Committee's interest in this issue was triggered by two concerns. First, the explanations that have been provided by the President and his spokesmen have not been accurate. For example, on September 9, 1999, the President told the American people that those offered clemency "had all served sentences that were consid-

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[2] Letter from Cheryl Mills, Deputy Counsel to the President, to the Honorable Dan Burton, chairman, Committee on Government Reform (Sept. 16, 1999) (Exhibit 2).

[3] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 16, 1999). Later, in the same interview, Mr. Lockhart said: "as far as I can tell there is no legitimate oversight role here." *Id.*

[4] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (Sept. 21, 1999) (remarks of Representative Henry Waxman).

[5] Department of Justice production 000734–000755. (Exhibit 1). See also Stuart Taylor, Jr., *All the President's Pardons: The Real Scandal,* National Journal, Oct. 30, 1999, at 3116. Taylor states that President Clinton had also "pardoned 108 federal convicts who had finished serving their time." *Id.* The percentage of clemency applications granted by some recent Presidents is as follows: President Kennedy—40.9 percent; President Ford—31.2 percent; President Carter—21.6 percent; President Reagan—12.6 percent; President Bush—4.2 percent; and President Clinton—3.4 percent. *Id.*

erably longer than they would serve under the sentencing guidelines which control federal sentencing now."[6] Two days earlier, the President's spokesman stated: "if you look at even the mandatory sentencing guidelines right now, most of these people have served longer terms than they would have served if they were sentenced now."[7] Ten days later, Mr. Lockhart reiterated this view when he said "their sentences were in excess of what would be given now for those crimes under the mandatory minimum sentences."[8] Driving this point home, he continued: "[t]hey had already served sentences that exceeded what they'd be sentenced for now under the minimum sentencing guidelines which all parties agree are tougher than they were 20 or 30 years ago."[9]

The position taken by the President and his spokesman, however, does not appear to be true. According to the U.S. Sentencing Commission, the Federal Sentencing Guideline range for the convictions of the 16 offered clemency would require a sentence of "at least 360 months to life."[10] Thus, the Sentencing Commission indicates a minimum sentence of 30 years, which would be served without the possibility of parole. This contradicts the President and his spokesman. Furthermore, a senior Justice Department official made the following statement on December 21, 1998: "the sentences imposed in these cases were within the sole discretion of the federal judges who presided over them. *The sentences are in line with sentences imposed in other cases for similar terrorist activity.*"[11]

A number of questions are therefore inevitable. What analysis did the President rely on? What were he and his spokesman referring to? Why won't the President release the analysis that supports the position he has taken? These are the types of questions that suggest congressional oversight. If factual representations are being made, and it is not apparent where the facts come from, there is significant cause for concern.

Another major area of concern is the President's statement that: "I did not believe they should be held in incarceration in effect by guilt by association."[12] This point attempts to steer people away from the fact that those offered clemency were convicted of actual crimes and sentenced accordingly. The President's spokesman, Mr. Lockhart, also supported the President's argument when he said "the point we have tried to make is we—our justice system is based on you serve time for the crime you're convicted of, not the crime people believe you're guilty of."[13] Earlier, Mr. Lockhart had made that point with even more emphasis:

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[6] President William J. Clinton, press conference (Sept. 9, 1999).

[7] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 7, 1999).

[8] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 17, 1999).

[9] *Id.*

[10] Letter from Timothy B. McGrath, interim Staff Director, U.S. Sentencing Commission, to Dan Burton, chairman, Committee on Government Reform (Oct. 26, 1999), at 2. (Exhibit 3).

[11] Letter from Dennis K. Burke, Acting Assistant Attorney General, to the Honorable James P. McGovern, U.S. House of Representatives (Dec. 21, 1998). Department of Justice production 1040475–1040476. (Exhibit 4).

[12] President William J. Clinton, press conference (Sept. 9, 1999).

[13] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 17, 1999).

> You know, we have a system of justice here. You know very well—you may not want to tell your listeners what these people were convicted of, but the justice system knows. The President's decision was based on looking at the sentencings, the average sentence for crimes, looking at the mandatory minimum sentences that have come in subsequent to the incarceration of these people[.] [14]

These statements appear to be an effort to steer people away from the facts. To date, there has been no suggestion that there was any error in the sentencing of the 16 individuals offered clemency. They were not imprisoned because they associated with criminals. They were not given lengthy sentences because they were close to people who had committed worse crimes than they had. In fact, with a few exceptions, the 16 were the backbone of organizations that killed a number of people and planted over 130 bombs. But for their code of silence, a function of their complicity in numerous serious crimes, all FALN and Macheteros cases would probably have been solved by now. By freeing these individuals—and thereby removing all incentive for cooperation—the President has worked to guarantee that a number of murders will not be solved. Furthermore, the President has made no attempt to have Congress re-evaluate the statutory bases of the convictions. If the President genuinely believed the statutes resulting in convictions were unfair, it follows that he would ask Congress to change the law.

The attempt to depict those offered clemency as a group who were less culpable than other FALN or Macheteros members ignores clear evidence, including videotape footage of some of those offered clemency making bombs. It ignores the fact that one of the individuals offered clemency planned two escapes from prison, planned to disable a guard tower with fragmentation grenades and gunfire, and approved a plan to murder a gun dealer. It ignores the fact that another individual offered clemency kept in close contact with the one FALN member who succeeded in escaping from Federal prison. It also ignores a Federal court opinion which states: "[t]he district judge also found that [Juan] Segarra-Palmer had organized and taken part in the attack in Puerto Rico on a United States Navy bus taking sailors to a radar station, on December 3, 1979, in which *two sailors were killed and nine wounded.*" [15] Indeed, the effort to portray those who were offered clemency as unfairly tarred by association with other more violent criminals appears to be a calculated effort to mislead people. In short, those offered clemency committed crimes, which resulted in appropriate sentences to lengthy terms of incarceration.

Apart from basic misrepresentations about factual matters, it also appears that the President failed to take into account all sides of this issue. In fact, the President seemingly failed to take into account certain basic types of information that would normally be significant factors in the clemency process. For example, victims were ignored. The Federal Bureau of Prisons was not asked to review tapes of telephone calls to and from prison to determine whether

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[14] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 8, 1999).

[15] *U.S.* v. *Melendez-Carrion,* 820 F.2d 56, 58 (2nd Cir. 1987) (emphasis added).

individuals were remorseful for their crimes or might be future threats to the community.[16] Even some of the alleged supporters of clemency turned out to be less than enthusiastic in their support. For example, Mr. Lockhart stated that "this is an issue that the Council of Churches, Cardinal O'Connor, Desmond Tutu and former President Carter have all urged the President to take action on."[17] The implication of this statement is that those cited asked for clemency to be granted. This, however, is what Cardinal O'Connor recently said: "I did not ask for the release of the Puerto Rican federal prisoners called FALN."[18] Similarly, Bishop Tutu did not call for the release of the 16 terrorists. Rather, he wrote the President "I appeal to your office on behalf of my brother Bishop [of Puerto Rico] to *consider* clemency for these prisoners."[19] This contrasts with what the President himself said about Bishop Tutu's position: "Bishop Tutu and Coretta Scott King also wrote to seek clemency for the petitioners, since they had received 'virtual life sentences' and 'have spent over a decade in prison, while their children have grown up without them.'"[20] Bishop Tutu did not make these comments, nor did he do what the President said he did. The misleading use of respected individuals to justify the clemency decision is another cause of great concern.

The President also said he "refused to commute the sentence of Carlos Alberto Torres, who had been indicted by a federal grand jury in 1977 on explosive charges, was identified as the leader of the group, and had made statements that he was involved in a revolution against the United States and that his actions had been legitimate."[21] If this was the standard used for *not* commuting sentences, it was certainly not applied in a consistent fashion. Others who *were* offered clemency do not survive the standard articulated by the President—they were indicted on explosives charges, some were described as leaders of the organizations, and they spoke in favor of revolution against the United States and threatened violence against those involved in the judicial process. Oscar Lopez not only satisfied all the criteria for no clemency, he had planned a violent escape from Leavenworth Penitentiary.

The President also stated unambiguously that "political considerations played no role in the process."[22] Documents received from the White House indicate that this is not true. Although the President might maintain that politics played no role in the process *from his perspective,* it is abundantly clear that other White House

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[16] This is particularly important because the public record made by the 16 prisoners indicated no contrition and a propensity to continue their terrorist activities. While the government might not normally need to go to such lengths, those considered for clemency are not normally unrepentant terrorists. In a situation where there is concern about the message sent by the grant of clemency, and the potential danger to the community, it appears that, at a minimum, the President would have wanted to know whether the prisoners' own words would discourage a grant of clemency.

[17] Joe Lockhart, White House Press Secretary, daily White House press briefing (Sept. 7, 1999).

[18] Cardinal John J. O'Connor, *FALN: Clarifying the Record,* Catholic New York, Sept. 16, 1999, at 5. (Exhibit 5).

[19] Letter from the Anglican Archbishop of Cape Town, the Most Reverend Desmond M. Tutu, D.D., F.K.C., to President W. Clinton (Aug. 28, 1995) (emphasis added). (Exhibit 6). It is also of some interest that Archbishop Tutu did not even ask that the President consider clemency for 2 of the 16 ultimately offered clemency—Roberto Maldonado-Rivera and Norman Ramırez-Talavera.

[20] Letter from Bill Clinton, to Honorable Henry Waxman (Sept. 21, 1999) at 2. (Exhibit 7).

[21] *Id.* at 3.

[22] *Id.* at 4.

personnel who were intimately involved in advising the President were well aware of political considerations and saw the political benefit of offering clemency to the terrorists. For example, Mayra Martínez-Fernandez, Special Assistant to the co-chair of the Interagency Working Group on Puerto Rico, thought that the release of the terrorists would "have a positive impact among strategic Puerto Rican communities in the U.S. (read voters)."[23] Other notes produced to this Committee show that the Interagency Working Group on Puerto Rico understood that the clemency issue had a significant domestic political importance. One set of notes makes the following point: "[Congressmen and Congresswoman] Velazquez, Gutierrez and Serrano not voting with President on some important legislation unless he commits to release prisoners right after 1996 elections."[24] Thus, it appears that the President's statement that politics played no part *in the clemency process* is, at best, misleading.

Finally, it is of some concern to the Committee that the President's staff—and the President—appear to have arrived at the decision to offer clemency before relevant information had been received. The facts received to date make it appear that the decision to offer clemency was made regardless of facts, and that efforts were made once the decision was reached to help the terrorists in spite of their prior refusals to help themselves.

Presented with misleading rationales for the clemency offers, this Committee has made an effort to provide the public with a full explanation of the factual background of this issue. The Committee has subpoenaed documents from the White House and the Justice Department, held public hearings involving interested parties and government officials, and prepared this report. The Committee also reviewed testimony presented to other congressional committees. While the Committee recognizes that the Constitution confers on the President an absolute power to grant clemency to those convicted in Federal court of crimes,[25] the Constitution most assuredly does not prohibit Congress from exploring the facts of the clemency process and inquiring into the rationale for its exercise.

Given the misrepresentations made in this matter, the Committee believes the President should rescind his claim of executive privilege, and make all documents previously withheld available to Congress and the American people. While he may be permitted to do so, the President should not continue to hide behind executive privilege. As many have done before him, the President should waive executive privilege and allow all citizens to gain a full understanding of what he took into account when he decided to release violent terrorists from prison.

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[23] Memorandum from Mayra Martínez-Fernandez, to Jeffrey Farrow (Oct. 24, 1994). White House production CL 15537–15538. (Exhibit 8).

[24] Handwritten notes of Mayra Martínez-Fernandez, Special Assistant to the Co-Chair of the Working Group, undated. White House production CL 15554–15558. (Exhibit 9).

[25] The U.S. Constitution provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in matters of impeachment." U.S. Const., Art. II, Sec. 2. The term "clemency" refers to all official acts of leniency toward criminal offenders, including pardons, reprieves, amnesty, remissions of fines, and commutations. See Kobil, Daniel T., *The Quality of Mercy Strained: Wresting the Pardoning Power from the King,* 69 Tex. L. Rev. 569, 575–78 (1991).

II. Factual Background

On August 11, 1999, President Clinton offered a grant of clemency to 16 individuals convicted and incarcerated for their activities while members of clandestine terrorist organizations promoting the independence of Puerto Rico through violent means.[26] The groups involved were the Armed Forces of Puerto Rican National Liberation ("FALN" or in Spanish, Fuerzas Armadas Liberacion Nacional Puertoriquena) and the Popular Boricua Army (Ejercito Popular Boricua), commonly known as the Macheteros.[27] Throughout the late 1970's and mid–1980's these groups claimed responsibility for numerous bombings and robberies, causing a reign of terror in both the United States and Puerto Rico.[28] The FALN operated in the continental United States, while the Macheteros were active mostly in Puerto Rico.

The 16 individuals granted clemency were arrested and later convicted in three separate groups. The first group consisted of FALN members Elizam Escobar, Ricardo Jimenez, Oscar Lopez Rivera, Adolfo Matos, Dylcia Pagan, Alicia Rodrıguez, Ida Luz Rodrıguez, Luis Rosa, and Carmen Valentın.[29] This group was tried in the Northern District of Illinois, in Chicago, and was found guilty in February 1981. The second group of individuals also was FALN members and was tried in the same district in Chicago in 1985. The three members were Alejandrina Torres, Edwin Cortes, and Alberto Rodrıguez.[30] The last group of individuals was connected to the Macheteros and was tried in 1989 in Connecticut: Juan Enrique Segarra-Palmer, Antonio Camacho Negron, Norman Ramırez Talavera and Roberto Maldonado Rivera.[31]

United States law enforcement first learned of the existence of the FALN on October 26, 1974, the date the group issued a communique taking credit for five bombings in New York.[32] The communique stated:

> Today, commando units of FALN attacked mayor [sic] Yanki [sic] corporations in New York City . . . These actions, along with bombing of major department stores, for three consecutive days in late spring, and the dynamite blasts at Newark Police Headquarters and City Hall, demonstrate what we have said since 1969: that the Puerto Rican people organizing and arming in order to form a Peoples Revolutionary Army which will rid Puerto Rico of yanki [sic] colonialism [sic]. We have opened two fronts,

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[26] Executive grant of clemency to Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodrıguez, Ida Luz Rodrıguez, Luis Rosa, Carmen Valentın, Edwin Cortes, Alberto Rodrıguez, Alejandrina Torres, Oscar Lopez Rivera, Juan Enrique Segarra-Palmer, Antonio Camacho-Negron, Roberto Maldonado-Rivera, and Norman Ramırez-Talavera, Aug. 11, 1999. (Exhibit 10).

[27] See *U.S.* v. *Torres,* 83 CR 494 (N.D. Ill. 1985) (Indictment) (Exhibit 11); *U.S.* v. *Torres,* 77 CR 886 (N.D. Ill. 1980) (Indictment) (Exhibit 12).

[28] *Oversight on the Operations of the Federal Bureau of Investigation.* Hearing before the Subcommittee on Security and Terrorism of the Senate Committee on the Judiciary, 97th Cong., 2d Sess. 63 (1982); FALN Communiques dated Oct. 26, 1974 (Exhibit 13), Dec. 11, 1974 (Exhibit 14), Jan. 24, 1975 (Exhibit 15), and Apr. 2, 1975 (Exhibit 16); see also Appendix I.

[29] Exhibit 12—Indictment.

[30] Jose Rodrıguez also was indicted and convicted with the other three. However, he chose to defend himself and was represented by an attorney. In addition, he denied membership in the FALN. He is no longer in prison and was not part of the clemency. Exhibit 11—Indictment.

[31] Exhibit 11—Indictment.

[32] Exhibit 13—FALN communique (Oct. 26, 1974).

> one in Puerto Rico the other in the United States, both nourished by the Puerto Rican people and allies within Northamerica [sic].

At the time of the first attacks, law enforcement had no leads on who was involved with the FALN. Ultimately, over the next decade, FALN activities resulted in 72 actual bombings, 40 incendiary attacks, 8 attempted bombings and 10 bomb threats, resulting in 5 deaths, 83 injuries, and over $3 million in property damage.[33]

Similar to the FALN, the existence of the Macheteros became publicly known when the group sent a communique to the United Press International in which they claimed credit for the death of a Puerto Rican police officer on August 24, 1978.[34] The goals of the Macheteros were complete autonomy and sovereignty for Puerto Rico. In order to achieve their goals, the Macheteros conducted an armed struggle against the U.S. Government, mainly represented through attacks on military and police, in several cases causing the death of U.S. servicemen. In a January 1981 attack, Macheteros commandos infiltrated a Puerto Rican Air National Guard base and blew up 11 planes, causing approximately $45 million in damages.[35]

The capture and conviction of the individual members of the FALN and Macheteros brought an end to the reign of terror in Puerto Rico and the United States. Although a few random assaults may have occurred, mostly in Puerto Rico, the continual assaults on New York, Chicago, and law enforcement and Naval officers in Puerto Rico virtually came to a halt with the capture of the individuals to whom the President has offered clemency. Every major law enforcement group has opposed the commutation of the prison sentences being served by these members of the FALN or Macheteros.

A. THE CAPTURE AND CONVICTION OF THE INDIVIDUALS OFFERED CLEMENCY

After the first FALN communique, law enforcement agents worked diligently to identify who was involved with the FALN. The FBI formed a team of investigators that operated in the Puerto Rican neighborhoods in both New York and Chicago. However, it was not until December 1976, that they made any significant advances. Chicago police located an FALN "bomb factory" which led to the identification of several FALN members, including Ida Luz Rodríguez and Oscar Lopez Rivera.[36] All of those identified immediately went underground, leaving their previous lives behind. Although they were terrorists, planting bombs and conducting armed robberies, the FALN members also blended into the community as school teachers and government workers. They were difficult to identify because they literally led double lives. They had jobs and

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[33] Letter from Jon P. Jennings, Acting Assistant Attorney General, to Dan Burton, chairman, Committee on Government Reform (Sept. 23, 1999) (forwarding redacted FBI written opening statement on FALN clemency as attachment) (unnumbered) (Exhibit 17).

[34] Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, but Agency Is Closing in,* Houston Chron., Sept. 15, 1985, at A7.

[35] *Id.*

[36] Memorandum from U.S. Attorney's Office to Probation Office, re: Alejandrina Torres, Edwin Cortes, Alberto Rodríguez, and Jose Rodríguez (Aug. 30, 1985). Department of Justice production 090047–090059. (Exhibit 18).

children and never told anyone, not even their closest family members and friends, that they were members of the FALN.[37] One former FALN member, Freddie Mendez, explained that, "he and his codefendants and other members did not socialize with one another. He said that they came together only for official FALN activities and then separated. When apart they occupied themselves with work, school and socialized with friends who were not aware that they were in the FALN."[38]

1. History of the FALN's reign of terror in Chicago and New York

Although the FALN's initial bombings may have been symbolic in nature, that soon changed.[39] On December 11, 1974, the FALN called the New York City Police Department to report a dead body.[40] When a policeman arrived at the abandoned tenement building to investigate, he walked into a booby-trapped explosive device. The explosion left him maimed and permanently disabled. The FALN issued a communique taking credit for the bombing, which they described as an "explosive attack against members of the police."[41] The communique explained that the attack was in response to the death of a fellow Puerto Rican independentista, Martin Perez, in a Florida prison. Although the FALN characterized Perez' death as an assassination, authorities found that he committed suicide by hanging himself in his cell. The communique warned: "[t]o make it clear, for every repressive action taken against our communities or against FALN independentistas, we will respond with revolutionary violence."[42]

Several weeks later, the FALN struck again in what they described as a retaliatory attack for a bombing in Puerto Rico. The FALN communique calls attention to their belief that the CIA had plotted the incident.[43] Nevertheless, it is clear that the January 24, 1975, FALN bombing can be meant only to have caused death, destruction and injury, as they planted a timed explosive device to detonate during the busy lunch hour at New York City's historic Fraunces Tavern. The blast killed 4 people, injured over 60 and caused extensive property damage.[44] In the communique, the FALN stated, "[w]e, FALN, the Armed Forces of the Puerto Rican Nation take full responsibility for the especially detornated [sic] bomb that exploded today at Fraunces Tavern with reactionary corporate executives inside."[45] The communique ended with the warning, "[y]ou have unleashed a storm from which you comfortable Yankis [sic] cannot escape."[46]

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[37] Gary Marx, *Terrorism on Trial: Justice and the FALN,* Chicago Tribune, Oct. 22, 1995, at Magazine 22.

[38] Presentence report of Oscar López-Rivera, Department of Justice production 120031–120044, at 120040.

[39] Authorities compiled a list of FALN bombings from 1974 through 1980. Department of Justice production 1041690–1041692. (Exhibit 19).

[40] Presentence report for Ricardo Jimenez, Department of Justice production 020045–020057, at 020048.

[41] Exhibit 14—FALN communique dated Dec. 11, 1974.

[42] *Id.*

[43] Exhibit 15—FALN communique dated Jan. 24, 1975.

[44] Presentence report for Ricardo Jimenez at 020048.

[45] Exhibit 15—FALN communique dated Jan. 24, 1975.

[46] *Id.*

The FALN continued its attacks on what it considered "Yanki [sic] imperialism" with the bombing of four New York City buildings on April 2, 1975. The communique explained:

> The bombing of the Anglers Club: an exclusive millionaires [sic] club that boasts of members like the Rockefellers, was a retalitory [sic] attack against that sector of the North American ruling-class which is directly responsible for the actions of the C.I.A. and for the wave of repression which is being murderously implemented in Puerto Rico. . . . Our attack on January 24, 1975 was not in anyway directed against working-class people or innocent North Americans. The targets of our attack were bankers, stock brokers, and important corporate executives of monopolies and multi-national corporations. These are not friends of the working people. But the enemies of humanity everywhere [sic].[47]

Shortly after the April bombings, in June 1975, the FALN carried out its first bombings in the Chicago area. They claimed credit for two bombs that exploded downtown. Another fatal attack occurred on August 3, 1977, in New York. The FALN placed a bomb inside the Mobil Oil employment office, and set it to detonate during the early morning rush hour. The blast killed one man and wounded several others.[48] In addition to their bombings, the FALN, operating mainly in New York and Chicago, also began to set off incendiary devices in numerous busy downtown department stores.[49]

On July 12, 1978, a powerful explosion occurred in a residential building in New York City. The subsequent investigation revealed that the apartment was an FALN "bomb factory."[50] Police discovered that the resident of the apartment, FALN member William Morales, was constructing a pipe bomb when the explosion occurred.[51] Morales was seriously injured, losing portions of both hands and his eyesight in one eye.[52] Examination of the apartment turned up materials linked to the FALN members who had gone into hiding in 1976: Oscar Lopez-Rivera, Ida Luz Rodríguez, María Haydee Torres, and Carlos Alberto Torres.[53] Even as police were clearing out the New York apartment, incendiary devices that the FALN previously had planted ignited in several department stores.[54] In addition to other evidence, the police found an FALN manual in the apartment.[55] The handbook states, "The introduction of this set of rules and regulations is done in the interest of preventing errors which traditionally have allowed the enemy to strike death blows to revolutionary organizations."[56] Among other suggestions, the handbook states that a guerrilla group "should

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[47] Exhibit 16—FALN communiqué dated Apr. 2, 1975.
[48] Presentence report of Ricardo Jimenez at 020049.
[49] *Id.*
[50] *Id.* at 020050.
[51] *Id.*
[52] *Id.*
[53] *Id.*
[54] Presentence report of Ricardo Jimenez at 020050.
[55] Murray Weiss, *Leader's Chilling Textbook of Terror,* N.Y. Post, Aug. 31, 1999, at 12.
[56] *Id.*

start out with an operational army of no less than 50 strictly clandestine guerrilla fighters."[57]

Morales, who was injured in the July 12, 1978, explosion, was tried and convicted in 1979 and sentenced to 99 years in prison on State and Federal weapons and explosives charges.[58] Several months after his conviction, Morales made an incredible escape from a third-floor prison room at Bellevue Hospital in New York. Morales had been transferred to Bellevue to be fitted with artificial hands. Prior to the surgery, Morales somehow used bolt cutters to tear open the steel security screen of the cell window and then shimmied down the three story, 40-foot drop.[59] Federal prosecutors say that members of the Black Liberation Army and one of his attorneys assisted him in making his getaway.[60] Morales escaped to Mexico, where he was later convicted of murdering a Mexican police officer. Mexico rebuffed the United States' requests for extradition of Morales while he was serving out his sentence in a Mexican prison. Later, Mexican authorities allowed him to flee to Cuba, where he was given political asylum.[61] He has never served the 99-year U.S. sentence. Morales remains in Cuba, and has petitioned the President to allow him to return to the United States.

After the incident at the New York bomb factory, the FALN took some time to regroup. Law enforcement developed evidence that during that relatively quiet period, the FALN members had been active in other areas, including the invasion of the Oak Creek, WI Armory in January 1979, in order to steal weapons.[62] During the operation, which ultimately was unsuccessful, FALN members held Armory employees hostage. It was not until October 1979 that they resumed their bombing operations. On October 17, 1979, the FALN took credit for simultaneous bombings in New York, Chicago, and Puerto Rico, where the FALN previously had not been active.[63] They followed up with several bombings in the Chicago area about a month later.[64]

In mid-March 1980, FALN members took over the Carter/Mondale presidential campaign headquarters in Chicago, and the George Bush campaign office in New York.[65] They were armed, and held several employees of the Carter/Mondale campaign hostage.[66] The FALN members held guns to the heads of the employees,

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[57] *Id.*

[58] Douglas Montero, *I Defend My Homeland: William Morales Talks to the Post,* N.Y. Post, Sept. 12, 1999, at 5.

[59] Former FALN member Alfredo Mendez told government investigators that Morales' attorney, Susan Tipograph, smuggled the bolt cutters into the hospital for Morales. He said that she "strapped a pair of bolt cutters to her leg and smuggled them in to Morales." Tipograph denied the allegations. Douglas Montero, *Cop Who Busted Bomber Fears for His Life,* N.Y. Post, Sept. 18, 1999, at 6; Stanley Penn, *Spreading Fear: New Terrorist Groups Are Appearing in U.S., Resembling Old Ones,* Wall St. J., July 26, 1984; Cerisse Anderson, United Press Int'l, June 9, 1983.

[60] Stanley Penn, *Spreading Fear: New Terrorist Groups Are Appearing in U.S., Resembling Old Ones,* Wall St. J., July 26, 1984.

[61] Roberto Santiago, *Terrorism American Style: The Guillermo Morales Story,* the Plain Dealer, Aug. 1, 1993, at 8; Alex Devine, *Fugitive Left Trail of Blood and Broken Lives,* N.Y. Post, Sept. 12, 1999, at 5.

[62] Presentence report of Ricardo Jimenez at 020051.

[63] *Id.*

[64] *Id.*

[65] *Id.* at 020050.

[66] Presentence Report of Elizam Escobar. Department of Justice production 010036–010049, at 010043.

forced them to lie down, and then tied them up.[67] They then ransacked the headquarters, stole files, and spray painted FALN slogans on the walls.[68] Days after the invasion, the FALN sent threatening letters to approximately 200 Carter/Mondale supporters and Democratic National Convention delegates in Illinois.

2. The capture of the "Chicago 11"

Shortly after the campaign break-ins, on April 4, 1980, 11 members of the FALN were arrested: Elizam Escobar, Ricardo Jimenez, Dylcia Noemi Pagan, Carmen Valentín, Adolfo Matos, Alfredo Mendez, Alicia Rodríguez, Luis Rosa, María Haydee Torres, Carlos Torres, and Ida Luz Rodríguez.[69] The arrests occurred in two separate incidents on the same day. At approximately 1:30 p.m., two armed men stole a truck from Budget Rent-a-Car in Evanston, IL.[70] Luis Rosa was later identified as the main gunman at the Budget Rent-a-Car office.[71] "At gunpoint, he ordered the personnel at the Budget office to lay on the ground and crawl, or be killed."[72] The truck was seen in a parking lot at Northwestern University an hour after the robbery, and police waited for someone to approach.[73] Soon thereafter, a man and a woman drove up to the stolen truck in separate vehicles, Luis Rosa and Alicia Rodríguez.[74] As police officers approached the two, Rosa attempted to draw the loaded gun he was carrying. However, he was overpowered by the police.[75] Police then apprehended FALN members Alicia Rodríguez and Luis Rosa, both of whom were armed.[76] In addition, police discovered that the vehicles that the two were driving had been stolen at an earlier time.[77] Police later determined that Adolfo Matos had driven the stolen truck to the Northwestern parking lot and left it there to be picked up by Rodríguez and Rosa.[78] Matos and 10 other members of the FALN were apprehended later that same afternoon in a residential neighborhood also in Evanston, IL.[79]

At approximately 3:15 p.m., a resident of an Evanston neighborhood called the police to report some suspicious activity on her street.[80] She had seen joggers around a van, but had seen at least one of the joggers smoking.[81] At 3:30 p.m., the responding officers approached the van and spoke with Carlos Alberto Torres, who was then on the FBI's "most wanted list."[82] The officer did not recognize him, and explained that a neighbor had called complaining of

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[67] *Id.* at 010043.
[68] *Id.*
[69] María Haydee Torres and Carlos Alberto Torres were not granted clemency.
[70] Evanston Police Department Website, www.evanstonpolice.com/captured.htm.
[71] Presentence report of Luis Rosa, Department of Justice production 010554–010565, at 010561
[72] *Id.* at 010561.
[73] Evanston Police Department Website, www.evanstonpolice.com/captured.htm.
[74] *Id.*
[75] Presentence report of Luis Rosa at 010561.
[76] *Id.;* presentence report of Ida Luz Rodríguez, Department of Justice production 060034–060046, at 060042.
[77] Evanston Police Department Website, www.evanstonpolice.com/captured.htm.
[78] Presentence report of Adolfo Matos, Department of Justice production 030038–030050, at 030046.
[79] *Id.* at 030046.
[80] Evanston Police Department Website, www.evanstonpolice.com/captured.htm.
[81] *Id.*
[82] Gary Marx, *Terrorism on Trial: Justice and the FALN,* Chicago Tribune, Oct. 22, 1995, at Magazine 22.

"kids partying in a van."[83] After some discussion the police officers were still not sure about the situation, and ordered everyone to get out of the van.[84] One of the officers looked inside the van, but did not notice anything suspicious.[85] The FALN members might have been permitted to go free if Alfredo Mendez' false mustache had not begun to slip from his lip.[86] The officers immediately realized there was a problem and ordered the three FALN women to drop their bags. As that occurred, a group of backup police officers rushed to the scene with their weapons drawn.[87] The nine arrested with the van were: Dylcia Noemí Pagan, Elizam Escobar, Ida Luz Rodríguez, Carmen Valentín, Carlos Alberto Torres, María Haydee Torres, Ricardo Jimenez, Adolfo Matos, and Alfredo Mendez.[88] Found in the van were 13 weapons, including a sawed off shotgun and several pistols with the serial numbers obliterated.[89]

a. The investigation

Law enforcement officials have two theories relating to the intentions of the FALN members that day. Some believed that the FALN was planning to kidnap wealthy industrialist Henry Crown or a member of his family, as the Crown residence was nearby.[90] To support this theory, investigators found an intelligence dossier on Henry Crown in a New Jersey safe house used by the FALN.[91] The other explanation for their presence in Evanston that day is that they were planning on robbing an armored car. At the time of their arrests, there was an armored truck carrying $200,000 in cash parked at Northwestern University's loading dock.[92] The authorities could never be sure as the 11 FALN members arrested refused to cooperate in any way with the authorities. They even refused to identify themselves and claimed to be "prisoners of war."[93]

As the law enforcement officials continued the investigation, they discovered that the FALN had developed an intricate underground operation.[94] The FALN had set up safe houses in Milwaukee, WI; Newark, NJ; New York City; and, Chicago, IL.[95] Upon searching the various safe houses, investigators found, among other evidence, sets of false identification, fingerprints of the individuals arrested, and a list of the automobiles that had been stolen over the prior year.[96]

A search of the New Jersey safe house revealed a number of intelligence files on private individuals, including one on Henry Crown.[97] The fingerprints of Carmen Valentín, Adolfo Matos, Elizam Escobar, Carlos and María Haydee Torres were found in

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[83] *Id.*
[84] *Id.*
[85] *Id.*
[86] *Id.;* Evanston Police Department Website, www.evanstonpolice.com/captured.htm.
[87] Gary Marx, *Terrorism on Trial: Justice and the FALN,* Chicago Tribune, Oct. 22, 1995, at Magazine 22.
[88] Presentence report of Ricardo Jimenez, at 020050.
[89] *U.S.* v. *Torres,* 77 CR 886, (N.D. Ill. 1980).
[90] Presentence report of Adolfo Matos, at 030046.
[91] *Id.* at 030046.
[92] Gary Marx, *Terrorism on Trial: Justice and the FALN,* Chicago Tribune, Oct. 22, 1995, at Magazine 22.
[93] Presentence report of Ricardo Jimenez, at 020051.
[94] *Id.*
[95] *Id.*
[96] *Id.*
[97] Presentence report of Adolfo Matos at 030046.

the New Jersey safe house.[98] Authorities also located a car stolen by the FALN near the house, although most of the documentation on the car was found in the safe house in Milwaukee, where the car was stolen.[99]

Authorities searched Adolfo Matos' home in New York. There they found, "a pamphlet containing a chronology of acts of violence perpetrated by the FALN and other groups of the armed clandestine movement, as well as reproductions of the FALN communiques which had been released claiming credit for bombings up to the date of publication."[100] Identity papers for Ida Luz Rodríguez were found in Matos' home as well.[101] In Elizam Escobar's home in New York, police found extensive lists containing the names and home addresses of various New York City police officers.[102] Law enforcement officials also found a surveillance photo of an FBI agent.[103] In addition, Escobar had maintained a personal calendar in code that included numerous FALN activities such as, "the escape of William Morales, certain bombings, the armed robbery of a Purolator truck in Milwaukee, and most interestingly, a reference to 'little presents for the Republicans.'"[104] The reference to Republicans coincides with FALN bombings of Republican campaign offices in New York and Chicago.[105]

The Milwaukee safe house was leased in one of the false names used by Ida Luz Rodríguez.[106] Law enforcement fingerprinting showed that, at a minimum, the safe house had been used by Ida Luz Rodríguez, Dylcia Pagan, María Haydee Torres, Carmen Valentín, Luis Rosa, Elizam Escobar, Oscar Lopez Rivera, and Carlos Torres.[107] The Milwaukee safe house contained a soundproofed firing range in the basement.[108] A search of the house uncovered, "a plethora of FALN-related evidence, including proceeds of various Wisconsin armed robberies, FALN literature, disguises, proceeds of armed takeover of the Chicago Carter-Mondale reelection headquarters, and the original stencil of a threat letter sent to more than a hundred Carter-Mondale delegates[.]"[109] In addition, investigators found a military manual that discussed weapons, explosives, terrorist tactics and past Puerto Rican acts of violence.[110] Enclosed in that manual was a six page document which appeared to be some type of justification for what was called the "military action" taken at Fraunces Tavern in New York.[111]

b. The trials

There were 11 FALN members apprehended in Evanston, IL on April 4, 1980. One of those individuals, María Haydee Torres, was

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[98] Presentence report of Carmen Valentín at 080050–080051.
[99] *Id.* at 080050–080051.
[100] Presentence report of Adolfo Matos at 030046.
[101] Presentence report of Ida Luz Rodríguez at 060042.
[102] Presentence report of Elizam Escobar at 010044.
[103] *Id.*
[104] *Id.*
[105] *Id.*
[106] Presentence report of Ida Luz Rodríguez at 060042.
[107] Presentence report of Carmen Valentín at 080051; presentence report of Dylcia Pagan at 040044; presentence report of Ida Luz Rodríguez, at 060042; presentence report of Elizam Escobar at 010044; presentence report of Luis Rosa at 010561.
[108] Presentence report of Carmen Valentín at 080051.
[109] Presentence report of Luis Rosa at 010564.
[110] Presentence report of Dylcia Pagan at 040044.
[111] *Id.*

transferred to the Federal district court in New York to stand trial. She had been implicated in the bombing of the Mobil Oil Building which caused the death of 26 year old Charles Steinberg.[112] All 10 of the others apprehended were indicted in Federal district court in the Northern District of Illinois.[113] In addition, law enforcement officials were still searching for Oscar Lopez Rivera, who also had been named in the indictment as part of the conspiracy, and was considered a fugitive.[114]

i. Ten Individuals Tried in Chicago.—According to a document containing instructions for FALN members found in the New Jersey safe house, members were advised to, "make no statement if arrested and to declare themselves 'prisoners of war' and to demand a transfer to military jurisdiction."[115] In each of their presentence reports the following description of the defendants' conduct occurs:

> *Each of these defendants, orally and in writing, since the time of their arrest on April 4, 1980, has claimed membership in a clandestine army and has claimed to be at war with the United States.* Each has claimed to have been captured by the enemy while engaged in an armed action taking place in their war for independence from the United States. They chant revolutionary slogans, many of which are on court records ranging from, "Long live the armed clandestine movement" to "Long live the FALN." In short, they do not deny doing the things for which they have been charged and convicted. They do, however, feel that as captured soldiers in a revolutionary struggle, they are entitled to be treated as prisoners of war and tried by international or military tribunal, or not tried at all. Based on this position, they have steadfastly refused representation to date, both in Chicago and New York, and they have witnessed their trials via loudspeaker and closed-circuit TV from their detention cells. *They have made clear that they do not mind the imposition of lengthy prison terms because each believes that successful escape efforts will be arranged with the cooperation of the remaining members of their armed clandestine movement.*[116]

As the defendants refused to take part in their own trials, the judge entered pleas of innocent for all of them at the arraignment.[117]

As part of the indictment, the grand jury charged the 10 defendants with constructing and placing explosive and incendiary devices at numerous locations, specifically listing 28 sites, including: six banks, six department stores, the Chicago Police Department Headquarters, the Chicago Main Branch of the U.S. Post Office,

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[112] Presentence report of María Haydee Beltrán Torres, Department of Justice production 1041480–1041486 at 1041482.

[113] Exhibit 12—Indictment.

[114] *Id.*

[115] Presentence report of María Haydee Beltrán Torres at 1041483.

[116] Presentence report of Luis Rosa at 010562; presentence report of Dylcia Pagán at 040045; presentence report of Elizam Escobar at 010045; presentence report of Carmen Valentín at 080052; presentence report of Ida Luz Rodríguez at 060043; presentence report of Adolfo Matos at 030047; presentence report of Carlos Alberto Torres at 1041327. (Emphasis added.)

[117] United Press Int'l, Dec. 16, 1980.

the National Guard Armory, two County Buildings, the Republican Party Office, the Great Lakes Naval Base, two U.S. Military Recruiting Offices, and the Illinois Naval Militia Building.[118] The prosecution presented 30 witnesses and 65 boxes of evidence to the jury in the course of the FALN trial. In the end, the jurors deliberated only 2 hours before convicting all of the defendants of conspiring to overthrow the U.S. Government, as well as other charges.[119]

At the end of their trials, the defendants were brought before the judge for sentencing. The courtroom turned into a political demonstration; as the judge handed down the sentences, the defendants sang, shouted, and called him a "puppet" and a "clown."[120] As she was being sentenced by the judge, Carmen Valentín shouted, "[y]ou are lucky that we cannot take you right now. Our people will continue to use righteous violence. Revolutionary justice can be fierce, mark my words."[121] Ricardo Jimenez shouted at the judge, "[w]e're going to fight . . . revolutionary justice will take care of you and everybody else."[122] Dylcia Pagan warned the judge and courtroom, "[a]ll of you, I would advise you to watch your backs."[123]

ii. María Haydee Torres.—María Haydee Torres, wife of FALN member Carlos Alberto Torres, was extradited to the Southern District of New York to stand trial for the bombing of the Mobil Oil Building in New York City which caused the death of Charles Steinberg.[124] The New York prosecutors could place Mrs. Torres at the scene and link her to the bomb through fingerprint evidence, holding her responsible for one of the deaths caused by an FALN bomb. The Mobil Oil bombing occurred on August 3, 1977. Investigators were able to determine that a bomb consisting of two to three sticks of dynamite had been concealed in an umbrella placed on a coat rack in the employment office.[125] Prosecutors explained how the bombing victim was killed, "[t]wenty-six year old Charles Steinberg was in immediate proximity to the coatrack, and the rear of his head was blown off in the explosion, resulting in his immediate death."[126]

The bomb was set to explode at 10:40 a.m., a busy time of the day when many people would be in the office.[127] Very early on that morning, a young woman wearing sunglasses and a wide brimmed hat entered the employment office and asked to fill out an application.[128] The woman began filling out the application, but inquired as to whether she was allowed to finish it at home. The receptionist told her no, and the woman left the application at the desk.[129] Police were able to remove two fingerprints from the application and identified them as belonging to María Haydee Torres.[130] The FALN later issued a communique taking credit for the Mobil Oil bomb-

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[118] Exhibit 12—Indictment.
[119] United Press Int'l, Feb. 12, 1981.
[120] The Associated Press, Feb. 19, 1981.
[121] *Id.*
[122] *Id.*
[123] United Press Int'l, Feb. 19, 1981.
[124] Presentence report of María Haydee Beltran Torres at 1041481.
[125] *Id.*
[126] *Id.* at 10411482.
[127] *Id.* at 1041481.
[128] *Id.* at 1041482.
[129] *Id.*
[130] *Id.*

ing.[131] In addition, investigators were able to determine that the dynamite used in the Mobil Oil bombing had originally been stolen from a construction site in New Mexico. Because dynamite is marked with a "date shift code" on each stick, the agents were able to determine that the Mobil dynamite was part of the same batch found in the FALN safe house discovered in Chicago in November 1976.[132]

Similar to the other FALN defendants in Chicago, María Haydee Torres refused to participate in her trial and declared herself a prisoner of war.[133] The jury found her guilty after a 4 day trial, and imposed a sentence of life imprisonment.[134] The group that originally petitioned for clemency on behalf of the FALN members, Ofensiva '92, had also placed Mrs. Torres on the list. However, because she was convicted of an act that involved the death of another person, her name was removed from the list soon thereafter. Ofensiva '92 indicated that she would petition separately.

iii. Oscar Lopez Rivera.—In December 1980, FALN member Oscar Lopez Rivera was indicted along with the other 10 FALN members in Chicago, IL.[135] However, he remained a fugitive until his capture on May 29, 1981.[136] Lopez and a companion were in a car in Glenview, IL, when a police officer observed them driving erratically.[137] The officer pulled them over and asked for identification, whereupon Lopez produced a false driver's license from Oregon.[138] Lopez first told the officer that they were looking for a United Parcel Service building, then responded that they were looking for a nice spot to eat lunch.[139] When the officer inquired as to where their lunch was, they were unable to produce their meal.[140] A back-up police officer stood next to the car and noticed a gun, pliers, wire connectors and field glasses in the car, along with a large bag.[141] The officers then arrested Lopez for the weapons violations and traffic offense.[142]

Investigators had determined that Oscar Lopez had been one of the national leaders of the FALN since its first public acts of violence in 1974. In addition, they received information about Lopez from former FALN member Freddie Mendez who testified about FALN activities, and Oscar Lopez in particular.[143] Lopez' presentence report summarizes the evidence against Lopez and Mendez' testimony:

> Lopez has been personally involved in bombing and incendiary attacks across the country for at least five years prior to Mendez's [sic] involvement and knowledge, has been a prime recruiter for members of the underground terrorist group, and has been a key trainer in bombing,

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[131] *Id.*
[132] *Id.* at 1041483.
[133] *Id.* at 1041484.
[134] *Id.* at 1041483.
[135] Exhibit 12—Indictment.
[136] Presentence report of Oscar Lopez at 120035.
[137] *Id.*
[138] *Id.*
[139] *Id.*
[140] *Id.*
[141] *Id.*
[142] *Id.*
[143] *Id.* at 120036.

> sabotage and other techniques of guerilla warfare. He has set up a series of safehouses and bomb factories across the country, the searches of which have uncovered literally hundreds of pounds of dynamite and other forms of high explosive, blasting caps, timing devices, huge caches of weapons and stockpiles of ammunition, silencers, sawed-off shotguns, disguises, stolen and altered identity documents, and the proceeds of the armed robberies of locations such as a National Guard Armory, Chicago's Carter-Mondale Re-Election headquarters, radio and communications companies, as well as a variety of stolen vehicles.[144]

Ultimately, Oscar López-Rivera did not accept the President's offer of clemency. He remains incarcerated.

3. 1985 Chicago FALN group

On June 29, 1983, authorities arrested FALN members Alejandrina Torres, Edwin Cortes, Alberto Rodríguez, and Jose Rodríguez (the two Rodríguezes are unrelated).[145] The Government was able to locate and identify the group as members of the FALN through former FALN member Freddie Mendez' cooperation with the government. Mendez previously had identified Alejandrina Torres and Edwin Cortes as likely members of the FALN.[146]

Beginning in 1982, officers assigned to the anti-terrorism task force conducted surveillance of Cortes, and determined that he periodically traveled to an apartment building on the opposite end of Chicago from where he lived and worked.[147] They soon discovered that Cortes and Alejandrina Torres were meeting in an apartment in the building.[148] After further investigation, agents were able to secure court authorization to place a hidden camera and microphone in the apartment in order to monitor the activities occurring within the apartment.[149] The apartment was known as the "Buena safe house," due to its street location.[150] Eventually, agents discovered another apartment, known as the "Lunt safe house."[151] Court-ordered surveillance was installed in that apartment as well. During 8 months of surveillance, law enforcement saw and overheard the four FALN members plan and commit various criminal acts.

a. The safe houses

Investigators found that FALN member Edwin Cortes rented the Buena safe house under a fictitious name, and paid the rent by money order. In order to begin their surveillance of the apartment, microphones were installed on January 19, 1983, and video equipment was installed soon thereafter.[152] After only a month of surveillance, agents observed Alejandrina Torres and Edwin Cortes

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[144] *Id.*

[145] Brief for the United States, *U.S.* v. *Rodríguez,* 85–2802, at 1 (7th Cir.) [hereinafter Rodríguez brief].

[146] Alejandrina Torres was the step-mother of Carlos Alberto Torres, who was found guilty of seditious conspiracy and other crimes, in the first FALN trial. Presentence report of Alejandrina Torres, Department of Justice production 100034–100044, at 100037.

[147] *Id.*

[148] *Id.*

[149] *Id.*

[150] The address was 736 West Buena, in Chicago, IL. *Id.*

[151] The address was 1135 West Lunt, in Chicago, IL. *Id.*

[152] Rodríguez brief at 8.

"cleaning weapons and handling bomb paraphernalia."[153] Federal agents secured another warrant to search the apartment. They conducted their search in the middle of the night on March 9, 1983, and found, "thousands of rounds of ammunition, 24 blasting caps, detonating cord, dynamite, four weapons, false identification and wigs."[154] In addition, under the floor of a kitchen cabinet, they found a map of the Leavenworth prison drainage system.[155] To allow their surveillance to continue, the agents substituted false explosives for the real and disabled the weapons found inside the apartment.[156]

Like the Buena apartment, the Lunt safe house was rented under a fictitious name, and Alejandrina Torres delivered a money order to pay the rent. At the beginning of April 1983, the government installed microphones and video equipment. When the government searched the Lunt house, agents found bomb accessories, revolvers, and other weapons. Authorities identified the characteristics of the bomb paraphernalia as the signature of the FALN.[157]

b. Plans for prison breaks

At the time the authorities were observing the safe houses, they discovered plans to break out of prison two FALN members who had been convicted in the 1981 Chicago cases, Oscar Lopez and Luis Rosa.[158] Lopez and Rosa were serving out their sentences at Leavenworth Federal Penitentiary in Kansas and Pontiac State Prison in Illinois, respectively. The first attempt was planned for March 18, 1983, when Oscar Lopez was scheduled to have x rays taken at a veterans' hospital near Leavenworth.[159] Once they discovered the plans, agents kept constant surveillance on the FALN members. Five days before the scheduled transfer of Lopez, Edwin Cortes picked up a stolen rental car.[160] The following evening, Cortes, Torres, and another unidentified individual reviewed the layout and security of the veterans' hospital and inspected their guns.[161] Edwin Cortes was heard on the surveillance tape, "[y]es, but she [Torres] has to have it loaded and cocked further back. If they have to shoot, they can shoot."[162]

When the authorities learned of the plan, they notified the warden at Leavenworth, who canceled Lopez' scheduled transfer.[163] However, Torres and Cortes, along with the unidentified accomplice, were unaware of the change in plans. On the morning of March 18th, they showed up, in disguises and bulletproof vests, and waited at the entrance to the hospital.[164] Dejected, they eventually left and drove to an apartment they had rented in Kansas City under a false name.[165]

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[153] *Id.*
[154] *Id.*
[155] *Id.*
[156] *Id.*
[157] *Id.* at 9.
[158] *Id.*
[159] *Id.*
[160] *Id.*
[161] *Id.*
[162] *Id.*
[163] *Id.*
[164] *Id.*
[165] *Id.*

The next day the trio returned to the Buena safe house and conspired to break Luis Rosa out of the Pontiac prison.[166] There they studied a copy of the official prison escape response plan. In addition, they went to the trouble of renting an apartment in the town next to the Pontiac prison.[167] Unfortunately for them, authorities had already notified the warden of the plan.[168] Luis Rosa was transferred to Joliet State Prison on March 22nd, the same day the apartment was rented.[169] Surveillance tapes of the Buena safe house made on March 23rd captured Torres and Cortes complaining of changes made the day before.[170]

c. Plans to rob the Chicago Transit Authority

Shortly after their failed plans to break their former comrades out of prison, Edwin Cortes and Alberto Rodriguez met several times at the Lunt safe house to discuss a plan to rob a Chicago Transit Authority fare collector.[171] They discussed which lines would be best to hit, and explored the security and layout of the stops and trains.[172] At one point, they discussed what to do about the guards, and Alberto Rodriguez suggested that they, "hit him upside the head" or that they might have to "shoot the guard, which makes a noise."[173] Surveillance indicated that the group had chosen a train stop. Cortes examined the location carefully, and Alberto Rodriguez showed up there several nights later to do the same.[174] Intending to scare him, a plainclothes team of agents pulled Rodriguez over for questioning.[175] Indeed, an intercepted phone call from Cortes to Torres told authorities that they had been effective in stopping the plan. Cortes explained that, "the study we were doing on the train had to be canceled when the police stopped 'the comrade' in front of 'the place where it was going to be done.'"[176]

d. The plan to assist FALN fugitive William Morales

Although William Morales had escaped from police custody in 1979 and fled the United States to Mexico, he remained active in the FALN.[177] According to Morales, he planned the bombings in New York City on New Year's Eve 1983.[178] In the spring of 1983, Torres and Cortes spoke about the need to find their friend "Jorge" a place to live, but worried about the visibility of his disfigured

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[166] *Id.* at 10.
[167] *Id.*
[168] *Id.*
[169] *Id.*
[170] *Id.*
[171] *Id.*
[172] *Id.*
[173] *Id.* at 11.
[174] *Id.*
[175] *Id.*
[176] *Id.*
[177] Douglas Montero, *I Defend My Homeland: William Morales Talks to the Post,* N.Y. Post, Sept. 12, 1999, at 5.
[178] Roberto Santiago, *Terrorism American Style: The Guillermo Morales Story,* the Plain Dealer, Aug. 1, 1993, at A8. Two of the New York City detectives responding to the bomb threats—Detectives Richard Pastorella and Anthony Senft—testified before the House Committee on Government Reform. Detective Pastorella was blinded by the blast and lost the fingers of his right hand while attempting to render the FALN bomb safe. Detective Senft was blinded in one eye, partially lost his hearing, and underwent five reconstructive surgeries on his face. *Clemency for the FALN: A Flawed Decision?* Hearing before the Committee on Government Reform, 106th Cong., 1st Sess. (1999).

hands.[179] Authorities soon determined that "Jorge" was actually William Morales. By the end of April, Cortes and Torres had plans to move "Jorge" out of the country in June.[180] They actually placed a call to Morales in Mexico, from which authorities were able to trace his location.[181] Morales told Cortes and Torres to call him back on May 26, 1983, at the same location.[182] On the designated date, Mexican authorities captured Morales after a gunfight that left a police officer and two of Morales' companions dead.[183] The day after Morales was arrested, Cortes and Alberto Rodríguez packed up the contents of the Buena safe house, and moved everything to the Lunt safe house.[184]

e. Plans for bombings

In June 1983, the four FALN members made plans to bomb military facilities in the Chicago area.[185] They drove to various sites and discussed the layout and suitability of different facilities.[186] On June 1, 1983, as they discussed the different military targets, Cortes was teaching Alberto Rodríguez how to put together a bomb as they sat around the kitchen table in the Lunt safe house. Cortes told Rodríguez, "[u]sually we don't show everybody that's in the organization the way this is done . . . this technique. We're the only ones that use it. Nobody else uses this. You have to be careful who we show this."[187] On June 28, 1983, Cortes met individually with Torres and Alberto Rodríguez. That day Cortes inventoried the bombmaking accessories located at the safe house.[188] In addition, Cortes and Torres drafted a communique which stated, "[w]e warn both governments that failures to respect the human rights and physical well being will be met with the revolutionary violence of our people."[189]

Cortes indicated that all was ready for the bombs to be placed. He and Alberto Rodríguez drew maps and diagrams of the targets and prepared the blasting caps and explosives.[190] Fortunately, they did not get a chance to place the bombs. On June 29, 1983, agents arrested all four FALN members.[191]

f. The trial

The four FALN members were charged with seditious conspiracy, various weapons charges and conspiring to obstruct commerce by robbery.[192] Similar to the earlier FALN trial, Torres, Cortes, and Alberto Rodríguez all declared themselves "prisoners of war." How-

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[179] Rodríguez brief at 14.
[180] *Id.*
[181] The phone call was made to a coffee shop in Puebla, Mexico, on May 19, 1983. *Id.*
[182] *Id.*
[183] Morales explained that at the time he was "ambushed" by the police, he was waiting for Alejandrina Torres to call from Chicago. Torres was calling from Chicago to double-check plans for bombings in Chicago, New York, and Mexico. Roberto Santiago, *Terrorism American Style: The Guillermo Morales Story,* the Plain Dealer, Aug. 1, 1993 at A8.
[184] Rodríguez brief at 14.
[185] *Id.* at 15.
[186] Cortes and Alberto Rodríguez drove to an Army Reserve Center, a Marine base, a GSA building, and two military motor pools. *Id.*
[187] *Id.*
[188] *Id.* at 16.
[189] *Id.*
[190] The explosives had been replaced with inert material at the time agents first searched the Buena safe house. *Id.*
[191] *Id.* at 17.
[192] Exhibit 11—Indictment.

ever, unlike the other members, they did participate in various phases of their trial and even made closing arguments to the jury. The newest recruit to the FALN, Jose Rodriguez, put on a defense.[193] He sat at a table separate from the others and denied affiliation with the FALN, yet admitted that he supported its tactics and goals.[194] Torres, Cortes, and Alberto Rodriguez openly admitted that, "they believed violence was a morally acceptable and legitimate tool and the only one available, to free their homeland from American dominance."[195] A jury found all four guilty of at least some of the charges brought against them.[196]

4. The Macheteros' activities in Puerto Rico

The Macheteros, a terrorist group whose goal is the independence of Puerto Rico from the United States, literally translates as "the machete wielders." The group generally carries out its terrorist activities within Puerto Rico, and the name bespeaks the violence for which they are known.[197] In testimony before the Senate Select Committee on Intelligence, FBI Director Louis J. Freeh discussed threats to the United States' security, stating that, "[t]he EPB–Macheteros has been the most active and violent of the Puerto Rican-based terrorist groups since it emerged in 1978."[198] The Macheteros finance their operations through robberies, the largest being the September 12, 1983, robbery of Wells Fargo.[199] During that operation, the Macheteros stole $7.2 million, the largest armored car robbery at the time.

Authorities in Connecticut, where the robbery occurred, brought indictments against 19 individuals involved in the planning and execution of the robbery, as well as the transportation of the money after the fact.[200] Several of the individuals involved in the Wells Fargo robbery remain fugitives. Of those individuals convicted, President Clinton offered commutations or remissions of fines to four: Juan Segarra-Palmer, Norman Ramirez-Talavera, Roberto Maldonado-Rivera, and Antonio Camacho-Negron.[201] The President commuted the sentence of Juan Segarra-Palmer and remitted his fine.[202] Antonio Camacho Negron reached his mandatory release date and was released from prison under conditions of parole. He refused to abide by those conditions, therefore his parole was revoked.[203] Because of these circumstances, the President offered only to remit the fine of Antonio Camacho-Negron. Camacho-Negron refused the offer, and remains in prison. The President remitted the fines of the remaining two individuals convicted for

[193] Paul Galloway, *FALN Recipe for Urban Subversion,* Chicago Trib., Aug. 8, 1985, at Tempo.
[194] *Id.*
[195] William B. Crawford, Jr., *3 Get 35 Years in Jail for FALN Conspiracy,* Chicago Trib., Oct. 5, 1985, at A1, A2.
[196] Exhibit 18—Memorandum from U.S. Attorney's Office to Probation Office.
[197] Presentence report of Juan Segarra-Palmer, Justice Department production 130052–130100, at 130061.
[198] *Threats to U.S. National Security.* Hearing before the Senate Select Committee on Intelligence, 105th Cong., 2d Sess. (1998).
[199] The FBI found that the Macheteros used the proceeds of several Wells Fargo robberies in Puerto Rico and the Hartford robbery, to finance its activities. George Gombossy, *'Freedom Fighter' a Cuban-Trained Terrorist, FBI Says,* Houston Chron., Oct. 25, 1987; presentence report of Juan Segarra-Palmer at 130059–130060.
[200] *Id.* at 130054–130057.
[201] Exhibit 10—President's grant of clemency.
[202] *Id.*
[203] Notice of Action on Appeal, Department of Justice production 003625–003628. (Exhibit 20).

their involvement in the Wells Fargo robbery, Norman Ramírez-Talavera and Roberto Maldonado-Rivera.[204]

The first terrorist act for which the Macheteros took credit was the murder of a San Juan policeman in August 1978.[205] Authorities later determined that the group had robbed at least two banks prior to the murder.[206] Ultimately, the Macheteros were responsible for a wave of terror in Puerto Rico that left five dead and caused many millions of dollars in damages.

Perhaps one of the more violent acts perpetrated by the Macheteros, was the December 1979 attack on a United States Navy bus near Sabana Seca, Puerto Rico, that left 2 dead and 10 wounded.[207] At the time of the attack, the bus was carrying 18 Navy enlisted personnel to a communications transmitter on the eastern end of Puerto Rico. A Macheteros communique claiming credit for the attack indicated that it was in reprisal for the death of an independentista in a Florida prison.[208] However, authorities ruled the prison death a suicide after they found the prisoner had hanged himself in his cell. Former Macheteros member Carlos Rodríguez implicated Juan Segarra Palmer, who was granted clemency by the President, in the attack on the Navy bus.[209] Rodríguez told authorities that he attended a Macheteros meeting in mid-November 1979 at which Segarra made an announcement that the Macheteros would attack a Navy bus.[210] The group had discussed attacking other military institutions; however, it dismissed those plans in favor of the Navy bus.[211] Segarra planned and instructed others on the operation, including the orders to shoot at the bus from a moving vehicle, while blocking the bus with another vehicle.[212] The Macheteros met 3 weeks after the attack to discuss the operation. During the meeting Segarra evaluated the attack, and commented that "while the operation had resulted in two dead, he felt the results should have been more severe."[213]

The Macheteros continued to use the ambush effectively. In March 1980, the Macheteros attacked and wounded three United States Army officers on their way to the University of Puerto Rico, Rio Pedras Campus, to participate in ROTC activities.[214] In January 1981, the Macheteros claimed responsibility for the bombing of 11 Air National Guard planes, causing $45 million in damages.[215]

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[204] Exhibit 10—President's grant of clemency.

[205] Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, But Agency Is Closing In,* Houston Chron., Sept. 15, 1985.

[206] Listing of Macheteros actions from January 1977 through June 1989. Department of Justice production 102000045–102000046. (Exhibit 21).

[207] Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, But Agency Is Closing In,* Houston Chron., Sept. 15, 1985.

[208] *Id.*

[209] Presentence report of Juan Segarra-Palmer at 130079.

[210] *Id.*

[211] Segarra initially wanted to attack the military installation at Sabana Seca, but determined that the fence around the base was too high. Another plan considered was to attack FBI agents, but that too was rejected as "too hot." The group also discussed attacking Fort Buchanan military personnel. That plan was rejected as "ineffective." *Id.* at 130080.

[212] The former Machetero, Carlos Rodríguez, indicated that Segarra was supposed to be driving a white van during the attack, yet he did not see Segarra on the scene that day. *Id.* at 81.

[213] *Id.*

[214] Luckily, the three officers escaped with only slight injuries. Exhibit 21—Listing of Macheteros actions; Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, But Agency Is Closing In,* Houston Chron., Sept. 15, 1985.

[215] A Machete and a Macheteros flag were left behind at the scene. In addition, the attackers left a videotape of themselves preparing for the bombing—putting on military fatigues and

Continued

Segarra, who was granted clemency by the President, implicated himself in the bombing during a conversation with Macheteros leader Filiberto Ojeda Rios:

> You know, if, if I had to choose the, the three or four people that are really responsible for the Gaviota happening and, and happening the way it happened, right? Successful and making it happen, I would pick four people. I would say, Frank, okay? I would say you, Jumbo and I.[216]

In addition, a surveillance tape at the Muniz Air Base captured Segarra and two others on the base the night of the bombing.[217] In 1985, the Macheteros took responsibility for the ambush attack on Army Major Michael Snyder as he was riding to work the morning of November 6, 1985.[218] Major Snyder was riding his motor scooter to the base when two men on motorcycles pulled along side him.[219] One of the men pulled out a gun and shot him twice, seriously wounding Snyder.[220] In claiming responsibility, the Macheteros explained that the attack was a reprisal for FBI Director William Webster's visit to Puerto Rico 2 days earlier.[221]

The Macheteros have engaged in numerous other violent acts, including more recent attacks. Some of the more violent acts which they carried out were: the ambush of four U.S. Navy personnel in retaliation for an exercise performed by the Navy in 1982, in which one member of the Navy was killed; a 1983 robbery of a Wells Fargo truck in Villa Fontana in which one civilian was killed, and; a 1983 robbery of a Wells Fargo truck at San Roberto, Rio Pedras, Puerto Rico, in which the driver of the Wells Fargo truck was killed.[222] The Macheteros have also been active recently. On March 31, 1998, they claimed responsibility for the bombing of the superaqueduct at Arecibo, Puerto Rico.[223] According to a statement by the Macheteros, the attack was in retaliation for "environmental aggression," and was "only the beginning of what from now on will constitute a line of action in defense of our country."[224] The Macheteros also took responsibility for the June 9, 1998, attacks on two branches of the Banco Popular.[225] The Macheteros set off a

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boots. Exhibit 21—Listing of Macheteros actions; Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, But Agency Is Closing In,* Houston Chron., Sept. 15, 1985.

[216] "La Gaviota," which literally translates as seagull, was the codeword for the Macheteros attack at the Air National Guard base. Macheteros literature describes the attack as the "most overwhelming blow given to the Yankees in 'North American territory' since Pearl Harbor and outside its territory since the TET offensive in Vietnam." Jumbo, the code name for one of the other individuals referred to by Segarra, was later identified as Orlando Gonzalez Claudio. Frank was the code name for Isaac Camacho Negron. Presentence report of Juan Segarra-Palmer at 130082–130083; *Harry Turner, FBI Agent Identifies 3 as Bombers of Air Base,* San Juan Star, Sept. 21, 1985, at 3.

[217] An FBI agent identified the trio, which included Orlando Gonzalez Claudio and Isaac Camacho Negron, from the surveillance tape. Gonzalez and Camacho were also involved in the attack on the Navy bus. Harry Turner, *FBI Agent Identifies 3 as Bombers of Air Base,* San Juan Star, Sept. 21, 1985, at 3.

[218] Harold Lidin, *U.S. Army Officer Wounded in Ambush in Puerto Rico,* the Washington Post, Nov. 7, 1985, at A17.

[219] *Id.*

[220] *Id.*

[221] Webster was in Puerto Rico to speak at a judicial conference. "Picketers at the conference protested alleged FBI brutality in an Aug. 30 roundup of 'Los Macheteros' members." *Id.*

[222] Exhibit 21—List of Macheteros actions.

[223] Recent Macheteros statements/actions. Produced by the Federal Bureau of Investigation, unnumbered. (Exhibit 22).

[224] On Apr. 21, 1998, Macheteros fugitive Filiberto Ojeda Rios confirmed that the Macheteros were responsible for the bombing on environmental grounds. *Id.*

[225] *Id.*

bomb at the first branch while they conducted a drive-by shooting of the second branch.[226] The Macheteros claimed that the attacks were to show support for the telephone company strike.[227]

5. The Wells Fargo robbery and Macheteros convictions

On August 30, 1985, FBI agents in Puerto Rico arrested 12 people in Puerto Rico and 2 people in the continental United States in connection with the Macheteros 1983 robbery of $7.2 million from a Wells Fargo armored car in Connecticut.[228] Over 200 agents served 30 search warrants that day in the investigation of the Macheteros, who earlier had claimed credit for the robbery.[229] The FBI indicated that their investigation spanned over 20 months and involved numerous "wiretaps on suspects [sic] homes, cars, phones, nearby pay phones, and a motor home."[230] Ultimately, indictments were brought in Connecticut against 19 individuals associated with the Macheteros for their respective roles in the conspiracy to rob the armored car and later transport the funds.[231]

a. The robbery

Prosecutors described the circumstances under which the Wells Fargo robbery in Connecticut took place:

> On September 12, 1983, between 9:30 and 11:00 p.m., Wells Fargo guard and co-defendant Victor Manuel Gerena, returned to the Wells Fargo depot in West Hartford, Connecticut after completing his days work, removed a revolver from his co-worker's holster, placed it to his head and tied him up. He then subdued a second employee, hog-tied him, injected both co-workers with a sleep-inducing substance, and fled with more than seven million dollars.[232]

It was not until October 19, 1984, that the Macheteros took credit for the robbery.[233] The group waited to issue its communique until all of the money was safely out of the United States and in the Macheteros' possession, "in a state of maximum security."[234] The communique described the robbery as a "military-economic operative" to earn money for the "revolutionary movement[]."[235] It further explained, "in the same manner in which we have seized seven million dollars from the very bowels of American imperialism, the organized force of the Puerto Rican people will know how, in its own time to seize the liberty which will allow us to choose our destiny as a people."[236] According to the communique, the actual planning and execution of the Wells Fargo robbery took 1½ years to

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[226] *Id.*
[227] *Id.*
[228] *14 Held in $7 Million Wells Fargo Robbery,* Houston Chron., Aug. 31, 1985, at 1.
[229] Ron Howell, *FBI Roundup Brings Anger in Puerto Rico,* Newsday, Dec. 2, 1985.
[230] Luis Feldstein Soto, *Puerto Rican Terrorists Taunt FBI, But Agency Is Closing In,* Houston Chron., Sept. 15, 1985 at 1.
[231] Presentence report of Juan Segarra-Palmer at 130053–130055.
[232] *Id.* at 130059–130060.
[233] *Id.* at 130060.
[234] Quote from the Macheteros communique taking credit for the robbery. *Id.*
[235] *Id.*
[236] The communique also notes that their, "comrade Victor Gerena" had done an outstanding job and that he was in good health and integrated into the struggle for Puerto Rican independence. Gerena remains a fugitive. *Id.*

complete.[237] Integral in that planning was Juan Segarra-Palmer. Segarra was known as the Macheteros' "Harvard educated thinker," who was responsible for much of the planning involved in Macheteros' actions.[238]

During its lengthy investigation, the FBI was able to untangle the connections and roles of all the individuals involved. They began with information they found in a search while investigating a separate Macheteros offense.[239] In a Macheteros safehouse they found a cache of weapons along with organizational materials describing the manner in which the group was organized, "safe" meeting places, storage facilities, training grounds, and workshops.[240] The documents disclosed that the Macheteros were formed in 1976 with their leader Filiberto Ojeda Rios, and that the group operated through a system of complicated cells.[241] Armed with that information, the FBI was able to secure wiretaps on the homes of Filiberto Ojeda Rios, his car, three public telephones across the street from Ojeda's residence, the residence of Juan Segarra-Palmer, and the public telephones outside Segarra-Palmer's residence.[242] Through these sources, authorities learned that Ojeda and Segarra were leaders of the Macheteros and had planned not only the Connecticut Wells Fargo robbery, but numerous other attacks as well.

b. The investigation and indictments

After developing its evidence, the government was able to secure the cooperation of several witnesses who had been close to Segarra and other Macheteros members. Notably, an associate of Segarra's, Kenneth Cox, testified that Segarra told him that he committed the Wells Fargo robbery.[243] According to Segarra's account to Cox, on the night of the robbery Victor Gerena was taken on a motorcycle from Hartford, CT to Springfield, MA.[244] Shortly thereafter, Gerena was moved to Boston and ultimately to Mexico while hidden in a secret compartment in a motor home.[245] The money, which in total weighed 1,150 pounds, was transported in cars to Springfield.[246] The FBI was able to tie Segarra both to the transfer of Gerena and the money.

A woman who was identified as Segarra's ex-lover, Anne Gassin, also cooperated with the government in its case against the Macheteros.[247] Gassin stated that Segarra told her, "his role in the robbery was to time the different escape routes away from the

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[237] *Id.*

[238] Segarra's mother described him as exceptionally intelligent from a young age. As a young boy, Segarra approached his parents about attending prep school in Andover, MA, which he did. Segarra later attended Harvard University. He graduated from Harvard in 1972. *Id.* at 130085, 130092–130093.

[239] The FBI was investigating the 1983 light anti-tank weapon rocket attack on the United States Courthouse and Federal Building in Hato Rey Puerto Rico. *Id.* at 130061–130063.

[240] *Id.* at 130062.

[241] "The Macheteros use a system of codenames for individuals, meeting places, meeting times and projects. The Macheteros utilize a system of cells which compartmentalize information so that one cell is not aware of the identities of individuals and projects in other cells." *Id.*

[242] *Id.*

[243] *Id.* at 130064.

[244] *Id.* at 130065.

[245] *Id.*

[246] *Id.*; George Gombossy, *'Freedom Fighter' a Cuban Trained Terrorist, FBI Says,* Houston Chron., Oct. 25, 1987, at A1.

[247] Gassin had originally been arrested as part of the conspiracy on Aug. 30, 1985. *Id.*

Wells Fargo depot."[248] His primary role thereafter was to get the money out of the United States. Segarra and Ojeda purchased a motor home that they customized with secret compartments to house Victor Gerena and a substantial amount of the stolen money while crossing the border into Mexico.[249] After his first trip, Segarra made a second trip to Mexico in March 1984. He drove the motor home across the border to Mexico, transporting $2,024,000 of the stolen cash.[250] In September 1984, Segarra bought a new motor home. He and Antonio Camacho-Negron, who was also offered a grant of clemency by the President,[251] worked to customize it in order to hide cash.[252] On September 21, 1983, Segarra, Camacho, and a woman from Puerto Rico drove the motor home to Mexico.[253] On October 19, 1984, with the money safely outside of the United States, the Macheteros claimed responsibility for the robbery.

Antonio Camacho Negrón's role in the conspiracy was to "help Segarra conceal the money inside the vehicle."[254] Camacho did, in fact, assist Segarra in building the special panels to hide the money inside the motor home. In addition, Segarra told Anne Gassin that, "Camacho had done this sort of thing before and was skilled in that type of work."[255] In fact, FBI agents first discovered Camacho and his role in the Macheteros when he was seen at a safe house used by Filiberto Ojeda Rios.[256] At the time, he was driving a vehicle known as a Macheteros "safe vehicle."[257] After his identification, FBI agents were able to trace his membership in the Macheteros to July 1984.[258] Documents seized from the Macheteros bookkeeper provided further information into Camacho's activities. The documents show that "Roco," Camacho's codename, was a full-time member of the Macheteros in December 1984 and was paid a monthly salary of $600.[259] In addition, minutes of Macheteros meetings show that "Roco" was present when

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[248] *Id.*

[249] *Id.* at 130067–130068.

[250] Macheteros documents reflected Segarra's movement of this money. In addition, in an intercept of Filiberto Ojeda Rios' conversation with Segarra, Segarra stated that $2,024,000 was taken the last time, meaning March 1984. *Id.* at 130068.

[251] The President offered to remit Camacho's fine of $100,000. Camacho refused the offer.

[252] Segarra had made an earlier attempt to move the rest of the money across the border to Mexico. He had devised a plan to have a non-hispanic couple drive a truck and trailer across the border, and recruited Anne Gassin and another friend, Paul Weinberg, to drive. En route to the Mexican border from Massachusetts, the truck and trailer overturned on the Interstate in Pennsylvania. As a result of the accident, the money had spilled out of the secret compartments. Segarra occupied the Pennsylvania State Police who showed up on the scene of the accident while his colleagues gathered up the money in plastic bags. *Id.* at 130071–130072; presentence report of Antonio Camacho-Negron, Department of Justice production 140056–140081, at 140064.

[253] Segarra applied for and received a passport in the name of Ronald Paul Princiotta for the trip. He used the birth certificate of an infant who had died shortly after its birth in 1947. Segarra explained to Anne Gassin that he had used the name in the past. Presentence report of Juan Segarra-Palmer at 130071–130072.

[254] Camacho's Macheteros codename was "Roco," and that is how he is referred to in most documents or surveillance recordings. Presentence report of Antonio Camacho-Negron at 140064.

[255] *Id.* at 140066.

[256] *Id.* at 140067–40068.

[257] Camacho was pulled over while driving the vehicle. Although Camacho told police that a friend owned it, the vehicle was registered to a woman who told law enforcement that she had never owned the vehicle. In addition, several other known members of the Macheteros had driven the vehicle. *Id.* at 140068.

[258] Camacho was photographed on that date exiting the residence of Filiberto Ojeda Rios, along with a co-defendant in the Wells Fargo robbery, Orlando Gonzalez Claudio. *Id.* at 140069.

[259] "Roco" was also entrusted with large sums of Macheteros money for "zone 4," of which Camacho was a member. *Id.* at 140072.

problems during the Wells Fargo robbery were discussed, and actively participated in the conversation.[260]

Roberto Maldonado Rivera also participated in the transportation of the Wells Fargo money across the border from the United States to Mexico.[261] Maldonado was responsible for driving the back-up vehicle as Segarra drove the motor home across the border into Mexico on September 22, 1984.[262] Macheteros documents showed that Maldonado, whose "codenames" were "Joaquin," "Jan," or "Jean," had been affiliated with Filiberto Ojeda Rios and other members of the Macheteros since 1970.[263] "A letter sent from the members of 'Zone 1' of Los Macheteros to 'comrades,' dated April 13, 1985, stated that 'Jean' joined the organization in 1977, was expelled in 1978, and rejoined in 1984 giving him a total of two to three years as a member."[264] After rejoining the Macheteros, Maldonado took on significant responsibilities, including membership in the Central Committee, which established Macheteros policies, and the Directive Committee, which implemented those policies.[265] In 1985, similar to Camacho, Maldonado was a salaried member of the Macheteros, paid $500 per month.[266]

Norman Ramırez Talavera was an active member of the Macheteros as well. After the robbery, the Macheteros used a small portion of the stolen money to buy toys for Three Kings Day.[267] Ramırez participated in the toy giveaway funded through the stolen Wells Fargo money.[268] Ramırez actually purchased about $5,600 in toys from a "Toys 'R Us" in Connecticut, using the Wells Fargo funds.[269] He also dressed up as a "King" to distribute the toys and $20 bills in Hartford.[270] Ramırez first came to the attention of the FBI when he was observed traveling frequently with Segarra's wife.[271] Macheteros documents showed that Ramırez was a salaried member of the Macheteros since June 1980.[272] However, other records show that Ramırez was a general member in 1978, and was listed under "Approved Comrades for Military Action" since July 1979.[273]

c. The trials and convictions

After he was found guilty by a jury, Juan Segarra-Palmer submitted a statement regarding his actions in the Wells Fargo robbery:

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[260] *Id.* at 140073.

[261] Presentence report of Roberto Maldonado Rivera, Department of Justice production 150024–150047, at 150043.

[262] Segarra had Orlando Gonzalez Claudio drive the back-up vehicle the first time Segarra crossed the border in March 1984. *Id.* at 150043–150044.

[263] *Id.* at 150044.

[264] *Id.*

[265] *Id.* at 150045.

[266] Maldonado was the leader of Zone 3. In that capacity he was entrusted to handle large sums of Macheteros money. *Id.* at 150045–150047.

[267] Presentence report of Norman Ramırez Talavera, Department of Justice production 160021–160035, at 160027.

[268] *Id.*

[269] *Id.*

[270] *Id.*

[271] Segarra's wife, Luz Berrios Berrios, pleaded guilty to charges relating to her role in the Wells Fargo Robbery. *Id.* at 160025.

[272] Depending on the amount of money available, Ramırez earned between $268 and $500 per month. *Id.* at 160025–160026.

[273] *Id.* at 160025.

> I planned and organized the receipt and transportation of the money after it was taken from the Wells Fargo depot and the subsequent toy giveaways in Hartford and Puerto Rico on January 6, 1985. I consider my acts part of the struggle against colonialism and for the self-determination of Puerto Rico and therefore political offenses, not crimes. . . .[274]

Segarra did not acknowledge that he had prior knowledge, and in fact planned the Wells Fargo robbery. The judge and jury found differently, and Segarra was sentenced to 65 years in prison and given a $500,000 fine. President Clinton offered both to commute his sentence and remit his fine. Segarra accepted the President's offer, although under the conditions of clemency, he continues to serve some portion of his sentence.

Antonio Camacho-Negron, represented by court appointed counsel, pleaded not guilty to the charges leveled in the Connecticut indictment.[275] During his trial, Camacho was asked about the violent activities associated with the Macheteros, in particular the attack on the U.S. Navy bus. Camacho responded, "[c]an anyone condemn David for hitting Goliath with a stone?"[276] Camacho refused to cooperate with the Probation Office, indicating that it was a representative of the Government.[277] The Probation Office provided an assessment of Camacho:

> First and foremost, it is this officer's opinion that Mr. Camacho-Negron exhibits the most fanatical demeanor of all of the codefendants [sic] interviewed by this officer to date. He indulges in florid rhetoric and enjoys hearing himself talk. He appears downright obsessive about his present circumstances and is probably extremely hostile and aggressive under his superficial courteous demeanor.[278]

After serving out his sentence until the mandatory release date, Camacho was released on parole in February 1998.[279] He was subject to the same terms of release as all other prisoners in his situation would be. However, Camacho returned to Puerto Rico and purposefully violated the terms of his parole. Attorneys for Camacho wrote to the Probation office to let the office know that Camacho was "not available at the moment."[280] His attorneys attempted to make the argument that he should not be subject to the same rules as all other prisoners on mandatory release:

> Because of his sincere and strongly held political beliefs, he feels he cannot comply with to [sic] onerous supervision conditions imposed upon him after 10 years of incarceration. To require him to comply with those conditions is an interference with his rights to political and personal free-

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[274] Presentence report of Juan Segarra-Palmer at 130090.
[275] Presentence report of Antonio Camacho-Negron at 140076.
[276] *Id.* at 140074.
[277] *Id.* at 140077.
[278] *Id.* at 140081.
[279] Sentence monitoring computation data for Antonio Camacho-Negron, Department of Justice production 140037.
[280] Letter from Luis Nieves Falcón, Comité Pro Derechos Humanos en Puerto Rico, to Eustaquio Babilonia, United States Probation Office, Deputy Chief (Feb. 19, 1998). (Exhibit 23).

> dom in violation of prevailing human rights [sic]. If he has to choose between his political beliefs and his personal dignity or complying with your conditions he chooses the first and rather reenter prison [sic].[281]

Camacho-Negron did re-enter prison after his mandatory release was revoked for failure to comply with the terms and conditions of parole.[282] Camacho was not offered a commutation of sentence by President Clinton, rather he was granted a remission of fine, which he refused. Camacho is free to gain release from prison at any time if he is willing to comply with parole conditions.[283]

Roberto Maldonado Rivera, an attorney, represented himself during his trial. After he was found guilty of the conspiracy, he submitted a written statement to the Probation Office:

> My theory of the case rests on the knowledge that I believe I am being persecuted by the government of the United States for my work in human and civil rights for the past two decades in Puerto Rico. I had nothing to do with the Wells Fargo robbery and I believe there is no evidence linking me in any way to a conspiracy in said case.[284]

Maldonado steadfastly maintained his innocence both before and after the trial. However, he did state that he was an "ardent independist" and that "he viewed the conflict between Puerto Rico and the United States in a similar fashion as a revolutionary war between the original thirteen colonies and their mother country, England."[285] In addition, he stated that he "does not condemn any violent actions in the pursuit of independence."[286]

Ramírez was arrested in Puerto Rico, along with 15 other members of the Macheteros, on August 30, 1985. Prior to his arrest he was overheard in a conversation stating that he "would never be arrested. Have I told you?" He added that he would not permit anyone to "take him abroad [to the mainland United States] . . . they will have to take me dead. I won't be caught alive. I couldn't stand being out there."[287] Ramírez, represented by an attorney, pleaded not guilty to the charges brought against him. However, he refused to provide any statement or information to the Probation Office.[288] He was sentenced to 5 years in prison and released on parole in April 1994.[289] President Clinton offered to remit the balance of his fine, which Ramírez accepted.

B. THE SENTENCES OF THE 16 OFFERED CLEMENCY

The following section reviews the counts, crimes, maximum penalties, and sentences of the 16 members of the FALN offered clem-

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[281] *Id.*
[282] Notice of action on appeal for Antonio Camacho-Negron, Department of Justice production 015482. (Exhibit 24).
[283] *Id.*
[284] Presentence report of Roberto Maldonado-Rivera at 150029.
[285] *Id.* at 150029–150030.
[286] *Id.* at 150030.
[287] Presentence report of Norman Ramírez Talavera at 160027.
[288] *Id.* at 160028–160029.
[289] Certificate of Parole for Norman Ramírez Talavera, Department of Justice production 006073.

ency by President Clinton on August 11, 1999. A variety of documents produced to the Committee by the Department of Justice in response to the Committee's September 1, 1999, subpoena were sources of information for this summary. Documents include the August 11, 1999, executive grant of clemency, judgment and commitment orders prepared by the courts, presentence reports prepared by probation officers, and progress reports prepared by the Bureau of Prisons. The U.S. Code sections listed for each criminal count are as listed in President Clinton's August 11, 1999, executive grant of clemency.

1. Elizam Escobar

Elizam Escobar was convicted of seven criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $50,000 fine and/or a maximum of 80 years in prison. Escobar was sentenced to a 60-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
4—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The total effective 60-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1, 2, 10, and 13 were to run consecutively. Counts 3, 4, and 9 were to run concurrently with each other and consecutively to all other counts.

On August 26, 1980, Escobar began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). He was confined at the Illinois State Penitentiary until he was remanded into Federal custody on January 31, 1981. Escobar's Federal sentence was to run consecutively to the 8-year sentence imposed in the Illinois State Court.

2. Ricardo Jiménez

Ricardo Jimenez was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 90 years in prison. Jimenez was sentenced to a 90-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20

Count and crime	Statute	Sentence (years)
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
4—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

All counts of the total effective 90-year sentence were to run consecutively.

On August 26, 1980, Jimenez began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). He was confined at the Illinois State Penitentiary until he was remanded into Federal custody on January 31, 1981. Jimenez' Federal sentence was to run consecutively to the 8-year sentence imposed in the Illinois State Court.

3. Adolfo Matos

Adolfo Matos was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 90 years in prison. Matos was sentenced to a 70-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
4—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The total effective 70-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1, 2, 10, 11, 12, and 13 were to run consecutively. Counts 3, 4, and 9 were to run concurrently with each other and consecutively to all other counts.

On August 26, 1980, Matos began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). He was confined at the Illinois State Penitentiary until he was remanded into Federal custody on January 31, 1981. Matos' Federal sentence was to run consecutively to the 8-year sentence imposed in the Illinois State Court.

4. Dylcia Noemi Pagán

Dylcia Noemi Pagan was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 90 years in prison. Pagan was sentenced to a 55-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
4—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The total effective 55-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1 and 2 were to run consecutively. Counts 3, 4, and 9 were to run concurrently with each other and consecutively to all other counts. Counts 10, 11, 12, and 13 were to run concurrently with each other and consecutively to all other counts.

On August 26, 1980, Pagan began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). She was confined at the Illinois State Penitentiary until she was remanded into Federal custody on January 31, 1981. Pagan's Federal sentence was to run consecutively to the 8-year sentence imposed in the Illinois State Court.

5. Alicia Rodríguez

Alicia Rodríguez was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. Rodríguez was sentenced to a 55-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
6—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The total effective 55-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1 and 2 were to run consecutively. Counts 3, 6, and 9 were to run concurrently with each other and consecutively to all other counts. Counts 10, 11, 12, and 13 were to run concurrently with each other and consecutively to all other counts.

6. Ida Luz Rodríguez

Ida Luz Rodríguez was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 90 years in prison. Rodríguez was sentenced to a 75-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
7—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce By Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312	5

The total effective 75-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1, 2, 3, 7, and 9 were to run consecutively. Counts 10, 11, 12, and 13 were to run concurrently with each other and consecutively to the other counts.

On August 26, 1980, Rodríguez began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). She was confined at the Illinois State Penitentiary until she was remanded into Federal custody on January 31, 1981. Rodríguez' Federal sentence was to run consecutively to the 8-year sentence imposed in the Illinois State Court.

7. Luis Rosa

Luis Rosa was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. Rosa was sentenced to a 75-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
5—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10

Count and crime	Statute	Sentence (years)
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The total effective 75-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1, 2, 3, 5, and 9 were to run consecutively. Counts 10, 11, 12, and 13 were to run concurrently with each other and consecutively to all other counts.

8. Carmen Valentín

Carmen Valentín was convicted of nine criminal counts on February 11, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 90 years in prison. Valentín was sentenced to a 90-year term of imprisonment on February 18, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
3—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d) and 18 U.S.C. § 2	10
8—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(c)(2)	10
9—Interstate Transportation of Firearms with Intent to Commit Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of Stolen Motor Vehicles	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

All counts of the total effective 90-year sentence were to run consecutively.

On August 26, 1980, Valentín began serving an Illinois State sentence for conspiracy to commit armed robbery (3 years), unlawful use of a shotgun (5 years consecutive), and unlawful use of a loaded handgun (364 days concurrent). She was confined at the Illinois State Penitentiary until she was remanded into Federal custody on January 31, 1981. Valentín's Federal sentence was to run consecutively to the 8 year sentence imposed in the Illinois State Court.

9. Alberto Rodríguez

Alberto Rodríguez was convicted of five criminal counts on August 5, 1985, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $60,000 fine and/or a maximum of 65 years in prison. On October 4, 1985, Rodríguez was sentenced to a 35-year term of imprisonment followed by 5 years of probation. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
4—Conspiracy to Make Destructive Devices	18 U.S.C. § 371	5
6—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d)	10
7—Possession of a Firearm without a Serial Number	26 U.S.C. § 5861(i)	10
8—Conspiracy to Obstruct Interstate Commerce by Robbery	18 U.S.C. § 1951	20

The total effective 35-year sentence followed by 5 years of probation was determined by consecutive and/or suspended sentences for the individual counts. Counts 1, 4, and 6 were to run consecutively. Counts 7 and 8 were suspended. Five years of probation were to follow Rodríguez' release from custody.

10. Alejandrina Torres

Alejandrina Torres was convicted of seven criminal counts on August 5, 1985, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $66,000 fine and/or a maximum of 61 years in prison. On October 4, 1985, Torres was sentenced to a 35-year term of imprisonment followed by 5 years of probation. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d)	10
3—Unlawful Storage of Explosives	18 U.S.C. § 842(j)	1
4—Conspiracy to Make Destructive Devices	18 U.S.C. § 371	5
5—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312	5
6—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d)	10
7—Possession of a Firearm without a Serial Number	26 U.S.C. § 5861(i)	10

The total effective 35-year sentence followed by 5 years of probation was determined by consecutive, concurrent, and/or suspended sentences for the individual counts. Counts 1 and 4 were to run consecutively. Counts 2, 6, and 7 were to run concurrently with each other and consecutively to all other counts. Counts 3 and 5 were suspended. Five years of probation were to follow Torres' release from custody.

11. Edwin Cortés

Edwin Cortés was convicted of eight criminal counts on August 5, 1985, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $76,000 fine and/or a maximum of 81 years in prison. On October 4, 1985, Cortés was sentenced to a 35-year term of imprisonment followed by 5 years of probation. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d)	10
3—Unlawful Storage of Explosives	18 U.S.C. § 842(j)	1
4—Conspiracy to Make Destructive Devices	18 U.S.C. § 371	5
5—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312	5
6—Possession of an Unregistered Firearm	26 U.S.C. § 5861(d)	10
7—Possession of a Firearm without a Serial Number	26 U.S.C. § 5861(i)	10
8—Conspiracy to Obstruct Interstate Commerce by Robbery	18 U.S.C. § 1951	20

The total effective 35-year sentence followed by 5 years of probation was determined by consecutive, concurrent, and/or suspended sentences for the individual counts. Counts 1 and 4 were to run consecutively. Counts 2 and 6 were to run concurrently with each other and consecutively to the other counts. Counts 3, 5, 7, and 8 were suspended. Five years of probation were to follow Cortes' release from custody.

12. Oscar López

Oscar Lopez was initially convicted of seven criminal counts on July 24, 1981, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $50,000 fine and/or a maximum of 70 years in prison. Lopez was sentenced to a 55-year term of imprisonment on August 11, 1981. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Seditious Conspiracy	18 U.S.C. § 2384	20
2—Interference with Interstate Commerce by Threats or Violence	18 U.S.C. § 1951 and 18 U.S.C. § 2	20
9—Carrying Firearms During the Commission of Seditious Conspiracy and Interference with Interstate Commerce by Violence.	18 U.S.C. § 924(b) and 18 U.S.C. § 2	10
10—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
11—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
12—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312 and 18 U.S.C. § 2	5
13—Interstate Transportation of a Stolen Vehicle	18 U.S.C. § 2312 and 18 U.S.C. § 2	5

The 55-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Counts 1, 2, and 9 were to run consecutively. Counts 10, 11, 12, and 13 were to run concurrently with each other and consecutively to the other counts.

While serving the 55-year sentence, Oscar Lopez participated in a conspiracy to escape from the U.S. Penitentiary at Leavenworth, Kansas where he was incarcerated. Mr. Lopez was convicted of five criminal counts on December 31, 1987, in the U.S. District Court for the Northern District of Illinois. The maximum penalty for these crimes was a $500,000 fine and/or a maximum of 25 years in prison. Lopez was sentenced to a 15-year term of imprisonment on February 26, 1988. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Conspiracy to Escape	18 U.S.C. § 371	5
2—Transport of Explosives	18 U.S.C. § 1952(a)(3) and 18 U.S.C. § 2	5
3—Transport of Explosives	18 U.S.C. § 1952(a)(3) and 18 U.S.C. § 2	5
7—Transport of Explosives	18 U.S.C. § 1952(a)(3) and 18 U.S.C. § 2	5
8—Transport of Explosives	18 U.S.C. § 1952(a)(3) and 18 U.S.C. § 2	5

The specific crimes surrounding counts 2, 3, 7, and 8 include the transportation of explosives with intent to kill and injure people, and to destroy government buildings and property; aiding and abetting travel in interstate commerce to carry on arson; and using a telephone to carry on arson. This 15-year sentence was determined by consecutive and/or concurrent sentences for the individual counts. Count 1 was to run consecutively to all other counts. Counts 2 and 3 were to run concurrently with each other and con-

secutively to all other counts. Counts 7 and 8 were to run concurrently with each other and consecutively to all other counts.

The entire 15-year sentence was to run consecutively to the 55-year sentence previously imposed on August 11, 1981, resulting in a total effective sentence of a 70-year term of imprisonment.

13. Juan Enrique Segarra-Palmer III

Juan Enrique Segarra-Palmer was initially convicted of 11 criminal counts on April 4, 1989, in the U.S. District Court for the District of Connecticut. The maximum penalty for these crimes was a $565,000 fine and/or a maximum of 165 years in prison. On June 15, 1989, Segarra-Palmer was sentenced to a 65-year term of imprisonment and ordered to pay a $500,000 fine. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
1—Robbery of Federally Insured Bank Funds	18 U.S.C. § 2113(a)	20
3—Robbery of Federally Insured Bank Funds	18 U.S.C. § 2113(a)	20
5—Robbery of Federally Insured Bank Funds	18 U.S.C. § 2113(a)	20
7—Robbery of Federally Insured Bank Funds	18 U.S.C. § 2113(a)	20
9—Theft from Interstate Shipment	18 U.S.C. § 659	10
10—Interstate Transportation of Stolen Money	18 U.S.C. § 2314	10
12—Foreign Transportation of Stolen Money	18 U.S.C. § 2314	10
13—Foreign Transportation of Stolen Money	18 U.S.C. § 2314	10
14—Conspiracy to Interfere with Commerce by Robbery	18 U.S.C. § 1951	20 $250,000
15—Conspiracy to Interfere with Commerce by Robbery	18 U.S.C. § 1951	20
16—Conspiracy to Rob Federally Insured Bank Funds, to Commit a Theft from Interstate Shipment, and to Transport Stolen Money in Interstate and Foreign Commerce.	18 U.S.C. § 371	5 $250,000

The total effective 65-year sentence was determined by consecutive, concurrent, and/or suspended sentences for the individual counts. Counts 1, 3, 5, and 7 were to run concurrently with each other and consecutively to all counts. Counts 9 and 16 were to run consecutively to all counts. Counts 10, 12, and 13 were to run concurrently with each other and consecutively to all counts. Counts 14 and 15 were to run concurrently with each other and consecutively to all counts. Additionally, counts 14 and 16 each carried a $250,000 fine.

On March 15, 1990, the U.S. Court of Appeals held that Segarra-Palmer's conviction under count 9, 18 U.S.C. § 659, was similar to his conviction under count 12, 18 U.S.C. § 1951. *United States* v. *Rivera,* 922 F.2d 934, 982 (2d Cir. 1990). Because both of these "counts of theft from interstate commerce focus on precisely the same conduct . . . [they] are multiplicious." *Id.* Therefore, the court ordered that count 9 of the above sentence be vacated. With this modification, Segarra-Palmer's total effective sentence was reduced to a 55-year term of imprisonment, while the original $500,000 fine remained imposed as previously ordered.

14. Antonio Camacho-Negrón

Antonio Camacho-Negrón was convicted of two criminal counts on April 10, 1989, in the U.S. District Court for the District of Connecticut. The maximum penalty for these crimes was a $260,000 fine and/or a maximum of 15 years in prison. Camacho-Negrón was

sentenced to a 15-year term of imprisonment and fined $100,000 on June 8, 1989. The specific criminal counts are as follows:

Count and crime	Statute	Sentence (years)
13—Foreign Transportation of Stolen Money	18 U.S.C. § 2314 and 18 U.S.C. § 2	10
16—Conspiracy to Rob Federally Insured Bank Funds, Commit a Theft from Interstate Shipment, and Transport Stolen Money in Interstate and Foreign Commerce.	18 U.S.C. § 371, 18 U.S.C. § 2314, and 18 U.S.C. § 659.	5 $100,000

The terms of counts 13 and 16 were to run consecutive for a total effective sentence of a 15-year term of imprisonment and a $100,000 fine.

Following his February 13, 1998, mandatory release on parole, Camacho-Negron failed to report for supervision as required under 18 U.S.C. § 4164. The U.S. Department of Justice's Parole Commission (the Commission) found that Camacho-Negron's unwillingness to comply with this parole requirement, a decision that generated considerable publicity, was based on ideological grounds. As a result, on April 14, 1999, the National Appeals Board upheld the Commission's decision to revoke Camacho-Negron's mandatory release and return him to prison. Until the Commission receives reasonable indication that Camacho-Negron is willing to comply with conditions of parole, he is unable to gain release from prison. Additionally, because time spent on mandatory release will not be credited toward time served, Camacho-Negron's full jail term expires on May 21, 2004.

15. Roberto Maldonado-Rivera

Roberto Maldonado-Rivera was convicted of one criminal count on April 10, 1989, in the U.S. District Court for the District of Connecticut. The maximum penalty for this crime was a $250,000 fine and/or a maximum of 5 years in prison. Maldonado-Rivera was sentenced to a 5-year term of imprisonment and fined $100,000 on June 8, 1989. The specific criminal count is as follows:

Count and crime	Statute	Sentence (years)
16—Conspiracy to Rob Federally Insured Bank Funds, Commit a Theft from Interstate Shipment, and Transport Stolen Money in Interstate and Foreign Commerce.	18 U.S.C. § 371, 18 U.S.C. § 2314, and 18 U.S.C. § 659.	5 $100,000

16. Norman Ramírez-Talavera

Norman Ramírez-Talavera was convicted of one criminal count on April 10, 1989, in the U.S. District Court for the District of Connecticut. The maximum penalty for this crime was a $250,000 fine and/or a maximum of 5 years in prison. Ramírez-Talavera was sentenced to a 5-year term of imprisonment and fined $50,000 on June 8, 1989. The specific criminal count is as follows:

Count and crime	Statute	Sentence (years)
16—Conspiracy to Rob Federally Insured Bank Funds, Commit a Theft from Interstate Shipment, and Transport Stolen Money in Interstate and Foreign Commerce.	18 U.S.C. § 371, 18 U.S.C. § 2314, and 18 U.S.C. § 659.	5 $50,000

III. The Clemency Process and Decision

On August 11, 1999, the President granted clemency to 16 individuals who were members of the Puerto Rican terrorist groups the FALN and the Macheteros. Thirteen of these individuals were offered commutations of their sentences, while four were offered remissions of their fines.[290] The decision to grant clemency to these individuals convicted of terrorist acts took over 6 years to make. Although the clemency process is normally lengthy, the process for these individuals not only was drawn out, but also was handled in a manner different than the average petition. This suggests that the decision was subject to numerous political considerations. However, because President Clinton claimed executive privilege over all documents that might shed light on the reasons for the clemency, the public does not know all of the facts.

A. HOW THE CLEMENCY PROCESS WORKS

Since his election in 1993, President Clinton has received over 1,300 requests for pardon and over 3,000 requests for commutation.[291] In order to process the requests, the Department of Justice established the Office of the Pardon Attorney ("OPA"), under the direction of the Deputy Attorney General.[292] The major functions of the Office of the Pardon Attorney are to:

- Receive and review all petitions for executive clemency, conduct the necessary investigations and prepare recommendations to the President for action.
- Provide policy guidance for the conduct of clemency proceedings and the standards for decision.
- Confer with individual clemency applicants, their representatives, public groups, Members of Congress, various Federal, State, and local officials and others in connection with the disposition of clemency proceedings.
- Participate in training and other conferences related to the field of criminal justice, corrections and clemency, and maintain the contacts required of OPA with Department of Justice officials, the Counsel to the President, and other Government officials.[293]

In carrying out its mandate, OPA has developed rules and regulations for the application and review of clemency requests.

1. Procedures for commutation

The rules governing petitions for executive clemency are published in the Code of Federal Regulations.[294] The first rule states, "[a] person seeking executive clemency by pardon, reprieve, commutation of sentence or remission of fine shall execute a formal pe-

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[290] Juan Segarra-Palmer was offered both a commutation of sentence and remission of fine. Exhibit 10—President's grant of executive clemency.

[291] Presidential Clemency Actions by Administration: 1945 to Present. Produced by the Office of the Pardon Attorney, Department of Justice (unnumbered) (Exhibit 25).

[292] The Office of the Pardon Attorney dates back to an Executive order of Mar. 3, 1865. U.S. Attorneys Manual (Revised 1996), Department of Justice production 1040125–1040131. (Exhibit 26).

[293] Department of Justice Organization, Mission and Functions Manual. Department of Justice production 1040578.

[294] The rules are also published in a form that any layperson would understand and are available at Federal correctional institutions and penitentiaries. 28 C.F.R. § 1.1 et. seq. (Exhibit 27—Code of Federal Regulations); (Exhibit 28—Information and Instructions on Pardons).

tition."[295] The rule requires that the person seeking the remedy personally request such remedy. This rule is to ensure that the individual requesting clemency actually wants such relief and that the individual would accept such relief.[296] Petitioners address the request to the President, the only person who is able to deliver the remedy, but submit it to OPA. The Pardon Attorney then initiates and conducts the investigations relating to clemency petitions, and ultimately prepares a report and recommendation for submission to the President.[297]

In the case of a commutation of sentence, the Pardon Attorney gathers information and opinions from parties who have knowledge of the petitioner's crimes and convictions, as well as the petitioner's behavior or status since incarceration in order to prepare his report.[298] Generally, OPA requests several items from the Bureau of Prisons, including: a presentence report, sentence computation record, sentence data summary, and progress report.[299] A presentence report is prepared for the judge in anticipation of sentencing.[300] It is especially useful because it is a contemporaneous account of the conviction and the petitioner's conduct leading to the conviction. In contrast, a progress report is an internal Bureau of Prisons report that is prepared periodically and outlines the prisoner's conduct while incarcerated.[301] Although the Bureau of Prisons provides this information to OPA, it does not generally give an opinion on whether clemency should be granted.

In certain cases, OPA also will request information from the Office of the U.S. Attorney that prosecuted the case.[302] Unlike the Bureau of Prisons, the U.S. Attorney is asked for his recommendation. According to the U.S. Attorneys Manual:

> The U.S. Attorney can contribute significantly to the clemency process by providing factual information and perspectives about the offense of conviction that may not be reflected in the presentence or background investigation reports or other sources, e.g., the extent of the petitioner's wrongdoing and the attendant circumstances, the amount of money involved or losses sustained, the petitioner's involvement in other criminal activity, the petitioner's reputation in the community and, when appropriate, the victim impact of the petitioner's crime.[303]

The U.S. Attorney may "support, oppose or take no position on a pardon request."[304] In addition, the U.S. Attorney is asked to contact the sentencing judge in order to solicit his recommendation on

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[295] 28 C.F.R. § 1.1.

[296] Memorandum from Margaret Colgate Love, Pardon Attorney, to Philip B. Heymann, Deputy Attorney General, July 29, 1993. Department of Justice production 1041252–1041253.

[297] Exhibit 26—U.S. Attorneys Manual.

[298] Chart on processing a commutation petition produced by Office of the Pardon Attorney. (Exhibit 29).

[299] Interview with Roger Adams, Pardon Attorney, U.S. Department of Justice (Sept. 18, 1999).

[300] *Id.*

[301] *Id.*

[302] Exhibit 26—U.S. Attorneys Manual.

[303] *Id.*

[304] *Id.*

the clemency petition. Once collected, the two recommendations are sent to OPA.

After the Pardon Attorney has gathered all of the relevant information relating to the petitioner, he drafts a proposed recommendation for action, which is sent to the Deputy Attorney General for review, and action.[305] Such a recommendation is supposed to reflect the views of the Department of Justice.[306] If the Deputy Attorney General concurs with the Pardon Attorney's recommendation, he will sign the recommendation and return it to OPA for transmittal to the Counsel to the President. Should the Deputy Attorney General disagree with the recommendation, he may send it back to OPA to change the proposed recommendation.[307]

Once the Deputy Attorney General has approved the recommendation, it is transmitted to the Counsel to the President. Ostensibly, the Counsel to the President uses the Department of Justice's report as the basis for his recommendation to the President. It is then solely the President's decision on whether or not to grant clemency.

2. Standards for considering commutation

Rather than forgiving the underlying offense, a commutation reduces the period of incarceration. "A commutation of sentence is an extraordinary remedy that is rarely granted."[308] The following factors have traditionally been considered appropriate grounds for considering commutation: "disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner, e.g., cooperation with investigative or prosecutive efforts that has not been adequately rewarded by other official action."[309] In addition, OPA takes into account the "amount of time served and the availability of other remedies," such as parole, in making its determination.[310]

If the decision to grant a commutation of sentence is made, the President has several options as to how to effect the commutation. He may commute the sentence to time served, which would cause the prisoner to be released immediately.[311] The President also is able to reduce a sentence, resulting in two possibilities. First, a reduced sentence could advance a prisoner's parole eligibility or mandatory release date, effecting an immediate release.[312] However, the prisoner would remain subject to conditions of parole or mandatory release under that scenario. A reduced sentence could also mean exactly what it says, specifying release after the prisoner continues to serve a certain period of time.[313] In the end, it is the President's responsibility to determine what remedy, if any, is in the interest of justice.

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[305] Exhibit 29—Commutation process chart.
[306] The Executive Clemency Process, Department of Justice production 1040586–1040591, at 1040586.
[307] *Id.* at 1040588.
[308] Exhibit 26—U.S. Attorneys Manual at 1040131; see also the executive clemency process at 1040590 (making a nearly identical statement).
[309] Exhibit 26—U.S. Attorneys Manual at 1040131.
[310] *Id.*
[311] *Id.*
[312] *Id.*
[313] *Id.*

B. THE FALN/MACHETEROS CLEMENCY PROCESS

1. The application process

On November 9, 1993, Ofensiva '92 filed a petition for executive clemency on behalf of 18 members of the FALN and Macheteros organizations convicted of Federal offenses.[314] The 18 were: Dylcia Pagan, Elizam Escobar, Ida Luz Rodriguez, Adolfo Matos, Maria Haydee Torres, Carmen Valentin, Carlos Alberto Torres, Ricardo Jimenez, Alicia Rodriguez, Luis Rosa, Oscar Lopez-Rivera, Alejandrina Torres, Edwin Cortes, Alberto Rodriguez, Antonio Camacho-Negron, Juan Segarra-Palmer, Roberto Jose Maldonado, and Norman Ramirez-Talavera.[315] Dr. Nieves Falcon of Ofensiva '92 earlier had written to the Pardon Attorney urging the release of the 18 prisoners.[316] The Pardon Attorney had informed Dr. Nieves Falcon that Department of Justice rules required that prisoners file their own petitions.[317] The rationale for the rule is "to ensure that [petitioners] actually desire this relief and that [the petitioners] will accept it if it is granted."[318]

Despite its own regulations, the Justice Department accepted the petition filed by Ofensiva '92 on behalf of the prisoners.[319] The petition makes clear that the prisoners considered themselves "political prisoners," and similar to their trials, they refused to take part in any process that would legitimize the government's actions against them, therefore they refused to file their own petitions.[320] The Ofensiva '92 petition went on to explain that in considering the clemency request, OPA *must take into account* "the political nature of the entire matter, beginning with the colonial nature of the relationship between the United States and Puerto Rico."[321] In addition, the petition argued that the OPA should compare the prisoners to the forefathers of the United States who fought against their colonial status with Britain, thereby exculpating the prisoners from any acts they may have committed.[322] However, these were the same failed arguments that the petitioner's raised at the time of the jury trial when they declared themselves prisoners of war. Nevertheless, OPA began the process of reviewing the clemency.

After accepting the petition, OPA began the normal investigation process, requesting background documents such as the presentence

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[314] Ofensiva '92 characterizes itself as a human rights organization and is based in Puerto Rico. Their petition on behalf of the prisoners is signed by Dr. Luis Nieves Falcon, Dr. Margarita Mergal and Jan Susler, an attorney for the FALN prisoners. Petition from Ofensiva '92 to Margaret Colgate Love, U.S. Pardon Attorney (Nov. 9, 1993) Department of Justice production 000260–000272 (Exhibit 30). In the spring of 1994, Dr. Nieves Falcon requested that Haydee Beltran's name be taken off the petition. Letter from Margaret Colgate Love, Pardon Attorney, to Dr. Luis Nieves Falcon (May 18, 1994) Department of Justice production 000718 (Exhibit 31).

[315] *Id.*

[316] Memorandum from Margaret Colgate Love, Pardon Attorney, to Philip B. Heymann, Deputy Attorney General (July 29, 1993) (regarding a request for release of the Puerto Rican prisoners by Dr. Luis Nieves Falcon with draft response) Department of Justice production 1041252–1041253. (Exhibit 32).

[317] Memorandum from Margaret Colgate Love, Pardon Attorney, to Philip B. Heymann, Deputy Attorney General (July 28, 1992) (Exhibit 33).

[318] The Pardon Attorney used the example of the Puerto Rican nationalists granted clemency by President Carter. OPA allowed the attorneys for those prisoners to file the applications, and one of the prisoners refused to accept President Carter's grant of clemency. Exhibit 32 at 1041253.

[319] The Pardon Attorney noted that the regulations were not mandatory, but that OPA normally required petitioners to file on their own behalf. *Id.* at 1041253.

[320] Exhibit 30—Petition.

[321] *Id.* at 000261.

[322] *Id.*

and progress reports, as well as judgment and conviction orders.[323] OPA also contacted the U.S. Attorneys' offices in Connecticut and Illinois in 1994 for their recommendations on clemency. Due to the terrorist acts involved in the underlying crimes, OPA contacted the Federal Bureau of Investigation as well.[324]

2. The campaign for release

The individuals working to secure release of the prisoners mounted a campaign to show support for clemency. Early in the process they involved numerous other groups to lobby for clemency, including Members of Congress and the religious community.[325] Most active in the campaign for release were Congressmen Luis Gutierrez and Jose Serrano, along with Congresswoman Nydia Velazquez.[326] Supporters made the same arguments that had been made in the petition for clemency, namely that these were political prisoners and their sentences were disproportionately long. They also focused on the benefits the release would bring to United States and Puerto Rico relations. Many of the supporters were granted meetings with the Pardon Attorney, as well as high-ranking officials in the Department of Justice and the White House.

In the ordinary course of its review, OPA met with representatives of the prisoners.[327] When meeting with outside parties interested in the clemency, OPA does not disclose information about the investigative steps being taken in the case, nor does the office disclose at what point in the process the petition is.[328] Meetings with supporters were described as generally for the purpose of "their learning how the clemency process works, in general terms, and providing any additional information supporters care to provide about the case."[329] The Office of Pardon Attorney further explained that it "do[es] not engage in a dialogue about the merits of any case, nor do[es] [it] answer factual or opinion questions about the merits of the case, the chances for success, or the thoughts of anyone, including members of [OPA], about the case."[330]

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[323] Memorandum from Margaret Colgate Love, Pardon Attorney, to warden, U.S. Penitentiary Atlanta, GA (Dec. 23, 1993) (requesting information on Juan Enrique Segarra-Palmer) (Exhibit 34).

[324] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (Statement of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation).

[325] Letter from Jose Serrano, Nydia Velazquez, and Luis Gutierrez, Members of Congress, to Janet Reno, U.S. Attorney General (Nov. 22, 1993) (requesting meeting with the Attorney General regarding political sentences) Department of Justice production 001723 (Exhibit 35); letter from Jose Serrano, Nydia Velazquez, and Luis Gutierrez, Members of Congress, to President Bill Clinton (Mar. 29, 1995) (requesting a meeting with the President and Attorney General regarding clemency for Puerto Rican prisoners) Department of Justice production 001721–001722 (Exhibit 36); letter from Ronald V. Dellums, Member of Congress, to President Bill Clinton (Jan. 12, 1996) Department of Justice production 001724 (Exhibit 37); letter from Rev. Nozomi Ikuta, United Church of Christ, to Margaret Colgate Love, Pardon Attorney (July 11, 1995) (requesting meeting, along with phone message) Department of Justice production 10140035–10140036. (Exhibit 38).

[326] See Exhibits 35 and 36.

[327] Letter from Jan Susler, attorney for prisoners, to Margaret Colgate Love, Pardon Attorney (July 11, 1994) (confirming meeting on July 19, 1994) Department of Justice production 000726 (Exhibit 39).

[328] Memorandum from Susan M. Kuzma, Office of the Pardon Attorney, to John Trasvina, Office of Legislative Affairs (July 20, 1995) (describing information OPA releases during clemency meetings) Department of Justice production 102000030 (Exhibit 40).

[329] *Id.*

[330] *Id.*

3. Justice Department action on the clemency

The Pardon Attorney had her first meeting with the attorneys and advocates of the FALN and Macheteros prisoners on July 19, 1994. Attending were Jan Susler and Michael Deutsch, the attorneys for some of the prisoners, Drs. Nieves Falcon and Margarita Mergal of Ofensiva '92, Congressman Gutierrez, and the mother of two of the prisoners, Josefina Rodriguez.[331] Although OPA agreed to meet with other groups of individuals, and even the same individuals again, the office warned that no new information would be provided to meeting participants, and that expectations should not be raised in that regard.[332] Aside from their meetings with OPA, supporters of clemency also met with Counsel to the President Jack Quinn in October 1996, and later meetings were held with Deputy Attorney General Holder, Attorney General Reno, and White House Counsels Quinn and Ruff.[333]

As part of the clemency process, the Pardon Attorney reported regularly to the Attorney General's office on status of the clemency for the FALN and Macheteros members and on any new information in the case.[334] By December 1996, the Pardon Attorney made a recommendation against clemency and that recommendation was forwarded to the White House.[335] Nevertheless, OPA continued to meet with or respond to requests from the supporters of the FALN and Macheteros clemency.

By fall of 1997, the clemency remained pending, even though the White House had received the Pardon Attorney's recommendation in December 1996. From a September 1997 memorandum from the Pardon Attorney, it appears that the Justice Department had been getting inquiries about the FALN and Macheteros from both the White House and outside parties.[336] In November 1997, Deputy Attorney General Eric Holder met with clemency supporters Congressmen Jose Serrano, Luis Gutierrez, and Nydia Velazquez.[337] The Members of Congress argued for commutation of the prisoners' sentences and asked Deputy Attorney General Holder that he "render to us the ability to be here [in Congress] when these people are released."[338]

Deputy Attorney General Holder mentioned to the Representatives that the prisoners had not petitioned for clemency on their

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[331] Exhibit 39—Letter from Jan Susler to Margaret Colgate Love (July 11, 1994); letter from Jan Susler, Attorney for prisoners, to Margaret Colgate Love, Pardon Attorney (July 22, 1994) (thanking Pardon Attorney for meeting on July 19, 1994) Department of Justice production 000728 (Exhibit 41); Memorandum from Margaret Colgate Love, Pardon Attorney, to Janet Reno, U.S. Attorney General (July 19, 1994) (reporting on July 19, 1994, meeting with supporters of Puerto Rican nationalists) Department of Justice production 10140028 (Exhibit 42).

[332] Exhibit 40—Memorandum from Susan M. Kuzma to John Trasvina (July 20, 1995).

[333] Letter from Jan Susler, attorney for the prisoners, to Margaret Colgate Love, Pardon Attorney (December 1996) Department of Justice production 001116–001117 (Exhibit 43).

[334] Memorandum from Margaret Colgate Love, Pardon Attorney, to Donna Templeton, Assistant to the Attorney General, with attachments (Nov. 28, 1994) (responding to a request for information on the clemency) Department of Justice production 10140025–10140027 (Exhibit 44).

[335] Letter from Margaret Colgate Love, Pardon Attorney, to Charles F.C. Ruff, Counsel to the President (July 25, 1997) (forwarding a letter from former President Carter) Department of Justice production 1041964 (Exhibit 45).

[336] Memorandum from Margaret Colgate Love, Pardon Attorney, to Roger Adams (Sept. 23, 1997) (discussing OPA's policy on responding to clemency inquiries) Department of Justice production 10140020–10140021 (Exhibit 46).

[337] Notes of Deputy Attorney General Holder's meeting (Nov. 5, 1997) Department of Justice production 1041804 (Exhibit 47).

[338] *Id.*

own, and asked whether that made them unrepentant.[339] Congressman Gutierrez replied that the fact that the prisoners did not apply "reinforce[d] the political nature of who they are."[340] However, the Congressman said that the prisoners would provide a written statement answering the question of why they did not apply.[341] Mr. Holder pressed the question on how the prisoners had changed since they committed the crimes, and Congressman Gutierrez said that the prisoners would reflect on that question also and respond in writing.[342]

No decisions had been made on the clemency by the spring of 1998. On April 8, 1998, Deputy Attorney General Holder again agreed to meet with a group of supporters, this one from the religious community.[343] During that meeting, the supporters of the prisoners finally delivered the prisoners' statements promised during the meeting with Congressman Gutierrez in November 1997.[344] According to notes of the meeting, the Deputy Attorney General discussed whether the prisoners would renounce violence if offered clemency. Reverend Paul Sherry responded that they "would not change their beliefs."[345] The Department of Justice participants interpreted that statement to mean that "they would not change their beliefs about the desirability of Puerto Rican independence, although [Reverend Sherry] gave a carefully phrased answer that did not make it entirely clear that they had renounced the use of violence."[346] The Justice Department asked the supporters additional questions about the prisoners, such as why some of the prisoners had not sought parole when they were eligible. The supporters responded that "their principles would not allow them to."[347]

During the meeting, Roger Adams, the Pardon Attorney,[348] again explained the clemency process to the supporters. He also acknowledged that OPA was preparing a report on the clemency petition for the Deputy Attorney General.[349] He did not mention the OPA report that was prepared in December 1996 and forwarded to the White House on the same clemency request. In addition, in response to questions from the supporters as to the timing of the report, the Deputy Attorney General told them that "it would likely be fairly quickly" and added that they "had delayed its final preparation until after [that] meeting."[350] Between the first meetings and the meeting on April 8, 1998, it is unclear whether OPA revised its guidelines to allow for the sharing of information with

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[339] *Id.* at 1041805.
[340] *Id.*
[341] *Id.*
[342] *Id.* at 1041806.
[343] At least one member of the group, the Reverend Nozomi Ikuta, had already met with the previous Pardon Attorney, Margaret Colgate Love. Letter from Paul H. Sherry, president, United Church of Christ, to Eric Holder, Deputy Attorney General (Mar. 26, 1998) (listing meeting participants and attachments) Department of Justice production 001718–001720 (Exhibit 48).
[344] Facsimile from Roger Adams, Department of Justice, to Dawn Chirwa, Associate Counsel to the President (Apr. 21, 1998) ("notes from the meeting, and copy of statement from the prisoners, submitted by Jan Susler on April 10. A copy was also provided by Paul Sherry") Department of Justice production 1041847–1041853 (Exhibit 49).
[345] *Id.* at 1041849.
[346] *Id.*
[347] *Id.* at 1041850.
[348] Roger Adams was appointed Pardon Attorney after Margaret Colgate Love resigned the position.
[349] *Id.* at 1041850.
[350] *Id.*

clemency supporters. In fact, the representation that a decision would be made soon, was later used by the attorneys for the prisoners as a basis for complaining about their treatment.[351] After referencing the clemency petition, the attorney even accused the warden at the U.S. Penitentiary at Lewisburg of "undermin[ing] the positive records all three of [the prisoners] have accumulated, so as to prejudice this effort[.]"[352]

The unsigned document entitled, "Statement from the Puerto Rican Political Prisoners," produced at the meeting, purports to show how the prisoners had changed since the time of their incarceration. However, they continued to blame the government for their own illegal actions, namely bombings and violence, and allege that they were forced into such acts because the government did not allow for "other avenues for exercising self-determination."[353] In what one could hardly interpret as a sign of change, the prisoners acknowledge:

> At this juncture, we want to express our disposition to participate in reaching a just and dignified political solution to our colonial problem. If the U.S. Congress and the executive branch of the U.S. government desire to reach a political solution through a truly democratic process, we are disposed to participate in that process, a process which is necessary for reconciliation to take place, for healing one hundred years of wounds to begin . . .
>
> Invoking the right under international law to use all means available does not mean we used them with no respect for human life. . . . Our actions, for the most part symbolic, have had the objective of focusing the attention of the U.S. government on the colonial conditions of Puerto Rico, and not of causing terror to the citizens of the U.S. or Puerto Rico. However, that is not to deny that in all liberation processes, there are always innocent victims on all sides.[354]

When one compares the self-serving nature of this statement with the many communiques found at Appendix I, it is clear that the 16 terrorists have no qualms about lying. This is disturbing to the Committee, particularly given the President's reliance on the promised renunciation of violence. The President is relying on their promises to refrain from violence when the actions of the individuals over a period of nearly three decades sends a very different message.

The President announced his offer of clemency to the members of FALN and Macheteros on August 11, 1999. On August 23, 1999, Pardon Attorney Adams sent an electronic mail message to Jamie Orenstein in the Deputy Attorney General's office regarding the FALN terrorists. Adams stated, "[*a*]*lthough noe [sic] of the 13 were actually convicted of a bombing,* the group with which most of them

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[351] Letter from Dr. Luis Nieves Falcón, coordinator of the Comité Pro-Derechos Humanos en Puerto Rico, to Eric H. Holder, Jr., Deputy Attorney General (June 3, 1998) (concerning the transfers of Alberto Rodríguez and Ricardo Jimenez to a new prison location, with attachment) Department of Justice production 000882–000886 (Exhibit 50).

[352] *Id.* at 000886.

[353] Exhibit 49—Facsimile from Roger Adams to Dawn Chirwa (Apr. 21, 1998) at 1041852.

[354] *Id.* at 1041852–1041853.

are associated—the FALN—certainly was responsible for over 100 bombings about 20 years ago."[355] This statement by the Pardon Attorney is misleading. The 12 FALN members all were indicted and convicted of the seditious conspiracy alleged in count 1 of their indictments.[356] That meant that a jury found that they participated in a conspiracy, the result of which was the placement and detonation of 28 bombs at specific locations.[357] All 12 were convicted of this count.

After meeting with numerous supporters of clemency and reviewing materials produced on behalf of the prisoners, the Department of Justice transmitted its second report on the prisoners to the White House on July 8, 1999.[358] As mentioned earlier, after meeting with supporters and requesting all of the background materials, OPA produced the original report by December 1996. Leading up to the 1996 report, the Department of Justice appeared to be following the normal process in reviewing the petition filed on behalf of the FALN and Macheteros members. However, it is apparent that between December 1996 and the fall of 1997, the Department began to write another report and recommendation to the President. This is particularly odd because the Justice Department report is only a recommendation that the President need not follow.

4. Opposition to the clemency

As part of the clemency process, OPA requested the recommendations of the U.S. Attorneys' Offices that tried the cases involving the FALN and Macheteros members. Although the President has claimed privilege over the actual recommendations, it became clear through documents and testimony that the U.S. Attorneys, sentencing judges, and FBI all opposed a grant of clemency to the proposed individuals.

a. Offices of the U.S. Attorneys

As early as 1994, the U.S. Attorneys from Connecticut and the Northern District of Illinois informed OPA of their opposition to clemency for the FALN and Macheteros members.[359] However, the President has claimed executive privilege over those letters. Through other documents produced by the Justice Department, it became clear that the U.S. Attorneys offices opposed clemency. After the decision on clemency was made, Deputy Attorney General Eric Holder prepared to make courtesy calls to the U.S. Attorneys for the districts in which the 16 clemency grantees were convicted. Talking points prepared for Mr. Holder in anticipation of the telephone call to U.S. Attorney Scott Lassar state that, "[t]he United

[355] Electronic mail from Roger Adams, Pardon Attorney, to Jamie Orenstein, Office of the Deputy Attorney General (Aug. 23, 1999) Department of Justice production 1041803. (Exhibit 51).

[356] Exhibit 12—Indictment; Exhibit 11—Indictment.

[357] *Id.*

[358] "Log of Documents Subject to Executive Privilege" (Oct. 14, 1999) White House production (unnumbered).

[359] The White House Privilege log lists two memoranda regarding the clemency request for Puerto Rican Nationalist prisoners from Christopher F. Droney, U.S. Attorney, District of Connecticut, to Margaret C. Love, Pardon Attorney (Aug. 26, 1994 and Oct. 19, 1994). It also lists two memoranda regarding clemency request for Puerto Rican Nationalist prisoners from James B. Burns, U.S. Attorney, Northern District of Illinois, to Margaret C. Love, Pardon Attorney (Aug. 26, 1994 and Dec. 15, 1994). "Log of Department of Justice Documents Subject to President's Assertion of Executive Privilege" (Oct. 18, 1999) Department of Justice production (unnumbered).

States Attorney for the N.D. Illinois recommended strongly against commutation of sentence. Also, one of the sentencing judges in the N.D. Illinois was quoted in the print media as opposing clemency."[360] Similarly, talking points prepared for the telephone conversation with U.S. Attorney for the District of Connecticut, Stephen Robinson state, "[t]he United States Attorney strongly opposed clemency in these cases. The sentencing judge also expressed the view that the sentences should stand."[361]

b. The Federal Bureau of Investigation

The Department of Justice also asked the FBI for its opinion regarding a commutation of sentence for the FALN and Macheteros members. The FBI conducted most of the original investigations of the two groups, as it is responsible for counterterrorism and counterintelligence efforts in the United States and its territories.[362] In testimony prepared in anticipation of testifying before Congress, the FBI stated:

> In June of 1999 the FBI was asked by [the] Department of Justice for the FBI's input on the granting of a pardon and/or clemency for the incarcerated Puerto Rican terrorists. The FBI has consistently advised the Department of Justice that the FBI was opposed to any such pardon and/or commutation of sentences for these individuals. As the request for pardon has been pending since 1994, the FBI was unaware that any such commutation of sentences was actually being contemplated or imminent.[363]

The FBI was concerned about the release for several reasons. In a draft letter responding to a congressional inquiry on the FBI position, Director Freeh noted that although the President had conditioned release upon the renunciation of violence, "the FBI had previously advised DOJ that 'few of the current prisoners have expressed remorse for their crimes or for their victims; rather, most remained committed to violence as a means to achieve Puerto Rican independence.'"[364] An additional concern for the FBI was the message that clemency would send to other terrorists. The FBI

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[360] DAG call to Scott Lassar, U.S. Attorney for the N.D. Illinois, Department of Justice production 10180007 (Exhibit 52).

[361] DAG call to Stephen Robinson, U.S. Attorney for the District of Connecticut, Department of Justice production 10180008 (Exhibit 53).

[362] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (Statement of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation). Copies of audio tapes of Oscar Lopez-Rivera's telephone conversations should have been produced to the Committee under the Committee's subpoena to the Department of Justice. However, as of Nov. 4, 1999, the Justice Department has not produced such tapes to the Committee.

[363] The testimony of Assistant Director Gallagher was submitted to the Justice Department over a week prior to the Committee's hearing. Nevertheless, the Justice Department waited until the evening before the hearing to notify the FBI that it could not present the written testimony because of executive privilege issues. The Committee was forced to subpoena the Justice Department for the redacted written statement. Letter from Jon P. Jennings, Acting Assistant Attorney General, to Dan Burton, chairman, Committee on Government Reform (Sept. 23, 1999) (forwarding redacted FBI written opening statement on FALN clemency as attachment) (unnumbered) (Exhibit 17).

[364] The letter has a cover sheet on it from the Justice Department explaining that the letter should not be sent because it could be subject to executive privilege. The Department of Justice informed the Committee that the draft letter and cover had inadvertently been produced to the Committee, and it considered the letter to be under executive privilege. Draft letter from Louis J. Freeh, Director, Federal Bureau of Investigation, to Henry J. Hyde, chairman, House Committee on the Judiciary (undated) (explaining FBI position on release of FALN and Macheteros terrorists) Department of Justice production 001950–001952 (Exhibit 54).

advised the Department of Justice that it "had reason to expect the release of these individuals would 'psychologically and operationally enhance' the ongoing violent and criminal activities of Puerto Rican terrorist groups."[365] Director Freeh added that, "any such pardon of the 'currently incarcerated terrorists would likely return committed, experienced, sophisticated and hardened terrorists to the clandestine movement.'"[366] In case there was any misunderstanding of the FBI's opinion, Director Freeh noted at the end of his letter that, "[i]t is evident from the foregoing that the FBI was unequivocally opposed to the release of these terrorists under any circumstances and had so advised DOJ."[367]

c. The Bureau of Prisons

While testifying before the Committee, the Assistant Director for Correctional Programs at the Bureau of Prisons, Michael B. Cooksey, stated that the Bureau of Prisons was not asked for its recommendation as to whether the prisoners should be granted clemency.[368] However, according to OPA, the Bureau of Prisons is not typically consulted for its opinion, rather it is only asked to provide documents relating to the petitioner.[369] Had either the Justice Department or White House asked the Bureau of Prisons for additional information on the prisoners, they would have found that at least two of the prisoners recently had made statements about furthering the goals of the FALN.[370] After the announcement of the grant of clemency, the Bureau of Prisons had read media accounts of alleged statements of at least one prisoner on its tapes of inmates conversations.[371] In response, the Bureau of Prisons conducted its own investigation to determine whether such statements actually existed.[372] After discovering the two phone conversations, the Bureau of Prisons forwarded the information to the Department of Justice on September 7, 1999.[373] Testifying on behalf of the Justice Department, Acting Assistant Attorney General Jon Jennings was asked whether such information would have been material to the Justice Department recommendation on the clemency matter, and he replied that it would have been relevant information.[374]

d. The victims of the FALN and Macheteros' violence

President Clinton's public statements regarding the rights of crime victims have been unambiguous. As he signed the Victim Rights Clarification Act of 1997 on March 19, 1997, President Clinton stated that "when someone is a victim, he or she should be at

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[365] *Id.* at 001951.
[366] *Id.*
[367] *Id.*
[368] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (Testimony of Michael B. Cooksey, Assistant Director for Correctional Programs, Bureau of Prisons).
[369] Interview with Roger Adams, Pardon Attorney (Sept. 18, 1999).
[370] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (Testimony of Michael B. Cooksey, Assistant Director for Correctional Programs, Bureau of Prisons).
[371] *Id.*
[372] *Id.*
[373] *Id.*
[374] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (Testimony of Jon P. Jennings, Acting Assistant Attorney General, Department of Justice).

the center of the criminal justice process, not on the outside looking in."[375] On April 20, 1998, in his proclamation declaring National Crime Victims' Rights Week, President Clinton characterized as "fundamental" the right of crime victims "to be notified of a convicted criminal's release from incarceration."[376] Despite these strong statements, it appears that none of the FALN's victims were contacted, much less consulted, during the clemency review process.

The experience of Thomas Connor, whose father Frank Connor was killed in the FALN's Fraunces Tavern bombing on January 24, 1975, is representative. Mr. Connor informed this Committee that he received no official notice of the clemency, stating that his family "found out by reading the newspaper,"[377] and that his family was "never contacted by Janet Reno or anyone at the Justice Department or anyone at the White House regarding our views on clemency."[378] Connor also stated that "[b]ecause no notice was given, had the terrorists renounced violence and accepted clemency right away, they may actually have been out of jail before we ever learned of the offer."[379] The administration certainly did not take into account the experiences of those that have been directly affected by the FALN or Macheteros, as Connor explained:

> The next indiscriminate bombing in this country will probably not kill me or anyone else in my family, but it may harm someone that you all know or love. And whenever that happens and whoever is the bomb-maker, I, unlike the President, will feel the pain of the victims, and he will be partially responsible for it.[380]

Further, those victims who were aware that clemency for the FALN terrorists was under consideration were rebuffed in their efforts to involve themselves in the review process. Anthony Senft, a New York City Police Department bomb squad detective who was maimed by an FALN bomb on December 31, 1982, learned that FALN supporters were encouraging the President to grant clemency. Detective Senft stated before this Committee that "[s]ince 1997, my wife and I have been writing letters to our President. We've written four letters to Janet Reno. We have never received a response."[381] Detective Senft also told the Committee:

> . . . I was severely injured by one of five bombs placed by the FALN while my partner and I attempted to render it safe. On that day I received a lifelong sentence without the opportunity for parole, time off for good behavior, and no chance of clemency. My sentence includes five recon-

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[375] The White House, Office of the Press Secretary, press release dated Mar. 20, 1997 (viewed Nov. 2, 1999), <http://www.pub.whitehouse.gov/uri-res/I2R?urn:pdi://oma.eop.gov.us/1997/3/20/6.text.1> (Exhibit 55).

[376] President William J. Clinton, Proclamation 7084, "National Crime Victims' Rights Week, 1998," 34 Weekly Comp. Pres. Doc. 679 (Apr. 27, 1998). (Exhibit 56).

[377] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (Sept. 21, 1999) (remarks of Thomas Connor).

[378] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (Sept. 21, 1999) (written statement for the record of Thomas Connor).

[379] *Id.*

[380] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (Sept. 21, 1999) (remarks of Thomas Connor).

[381] *Id.* (remarks of Detective Anthony Senft).

> structive operations on my face, the loss of my right eye—my left eye is deteriorating as we speak—and a 60 percent hearing loss in both ears, a fractured hip, severe vertigo, and the hell of a post-traumatic stress disorder. My only solace was the fact that 16 members of the FALN were serving prison sentences for crimes committed against American citizens.[382]

It is shocking that any number of clemency supporters were able to get meetings with the Pardon Attorney, Deputy Attorney General, Attorney General, and White House staff, while this former detective, who was wounded in the line of duty, could not even get one of his letters answered.

Detective Senft's partner, Richard Pastorella, was also wounded in the same FALN bombing. Also like his partner, the Justice Department never contacted Detective Pastorella regarding the clemency. Detective Pastorella was completely blinded by the FALN bomb, and lost the fingers of his right hand.[383] Perhaps he could have shared his experience with the Justice Department or White House, as he had shared it with the Committee. He testified before the Committee in order "to give a human face to what terrorism truly is."[384] He told the Committee:

> When my granddaughters present me with crayon drawings and are pleased to show them to me, I have to pretend that I can see them and enjoy their effort. [And] when they ask me to go outside and play ball with them, I cannot. I don't have the fingers to hold the ball. I can't even see it coming. I have sacrificed my pride, my dignity, and will never be free. Yet these terrorists are free to roam our streets here in America.[385]

Diana Berger Ettenson, widow of Alejandro Berger, who was killed in the January 24, 1975, Fraunces Tavern bombing, related a similar lack of cooperation from the administration: "I asked the White House for copies of letters from those who petitioned for clemency. To date, I have not received them."[386] Similar to the other victims of the FALN, Mrs. Berger Ettenson was not advised before their release. She explained:

> On the day of the bombing, I was driving to New York to meet Alex and his parents. I heard the news of the blast on my car radio. The news reported that a group known as the FALN had claimed responsibility for the bombing. I had never heard of this group before. However, this group has haunted me to this day. I had to tell Cecelia and Joseph Berger that their only child had been murdered. I do not think I have to tell you in detail what this act of terror did to my family and friends.[387]

Although these victims of FALN violence could not get their letters or requests answered, the Justice Department and White

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[382] *Id.*
[383] *Id.* (remarks of Detective Richard Pastorella).
[384] *Id.*
[385] *Id.*
[386] *Id.* (remarks of Diana Berger Ettenson).
[387] *Id.*

House were happy to accommodate the supporters of clemency. At the same time, Attorney General Reno apparently was meeting with pro-clemency activists personally. For example, Detective Senft testified before this Committee that a pro-clemency activist named Alice Cordova boasted of her "sit-down interview" with Attorney General Reno regarding clemency for the FALN terrorists.[388] The Clinton administration ignored the FALN's many victims when it failed to consult with, or even notify, them prior to offering the terrorists clemency. In doing so, the administration left those victims on the outside of the clemency process, looking in.

5. Two Justice Department reports on clemency

According to privilege logs produced by both the White House and Department of Justice, the Department transmitted two reports on clemency to the Counsel to the President.[389] The first report was transmitted in December 1996.[390] The privilege log reflects that the second report was transmitted to the White House on July 8, 1999.[391] Because the President claimed executive privilege over any documents or correspondence relating to the reports, it is impossible to determine why two reports were created. Through the privilege logs, one is able to get an idea of the timing of the reports and other correspondence between the White House and Justice Department at the time the clemency was being considered.

The first mention of a report to the White House occurs on December 5, 1996, when Pardon Attorney Margaret Colgate Love sent a 35-page document to Associate Counsel to the President Dawn Chirwa, which was described as a "cover memorandum with attached draft document to Jack Quinn, Counsel to the President, from Jamie S. Gorelick, Deputy Attorney General, regarding clemency matter."[392] The Justice Department's log does not list such a report until December 16, 1996, when Dennis M. Corrigan, Executive Assistant and Counsel, Office of the Deputy Attorney General transmits the December 4, 1996, report to Counsel to the President Jack Quinn. There is no further activity until May 1997.[393] These documents are the original recommendations of the Justice Department. From the names on the transmittal, it would appear that this first report was approved by the Deputy Attorney General, and would be considered the official position of the Department of Justice.

Soon after the FALN and Macheteros clemency report was transmitted, Chirwa sent a two-page memorandum to Roger Adams, who was then Counsel to the Deputy Attorney General, concerning "information relating to clemency request for Puerto Rican Nationalist prisoners." Two days later, on May 16, 1997, Chirwa sent an-

[388] *Id.* (remarks of Anthony Senft).

[389] A privilege log is a list of documents over which the President has claimed executive privilege. These documents are identified by control number, author, addressee, date, and description. However, the documents are not produced to the Committee. "Log of Documents Subject to Executive Privilege" (Oct. 14, 1999) White House production (unnumbered) (Exhibit 57); "Log of Department of Justice Documents Subject to President's Assertion of Executive Privilege" (Oct. 18, 1999) Department of Justice production (unnumbered) (Exhibit 58).

[390] Exhibit 45—Margaret Colgate Love letter to Charles F.C. Ruff (July 25, 1997).

[391] Exhibit 57—White House privilege log at 1.

[392] *Id.* at 6.

[393] *Id.* at 5; Exhibit 58—Department of Justice privilege log at 20.

other two-page memorandum to Pardon Attorney Love. Although the Committee does not have the memoranda, one could assume that there were questions about the clemency recommendation. Several days after Chirwa contacted the Justice Department, Pardon Attorney Love contacted the General Counsel at the U.S. Parole Commission regarding the clemency matter.[394]

There is another break in the Justice Department and White House privileged communications until July 23, 1997, when Love sent Chirwa a seven-page memorandum "concerning information relating to clemency request for Puerto Rican Nationalist prisoners, with handwritten note attached."[395] Two days later, Love forwarded to Counsel to the President Ruff a letter from former President Jimmy Carter, and referenced the December 16, 1996, report.[396] Although the White House listed the document on its privilege log, the Department of Justice produced the actual transmittal letter referencing its recommendation against clemency.[397]

As of June 1997, the White House internally acknowledged that the Department of Justice was not in favor of the clemency. The June 10, 1997, briefing materials for Vice President Gore's meeting with the congressional Hispanic Caucus discuss the clemency:

> Reps. Serrano, Gutierrez, or Velazquez may privately urge you to support granting clemency to 15 citizens of States of Puerto Rican origin incarcerated for crimes committed in connection with efforts to encourage the granting of independence to Puerto Rico. A campaign is under way. The campaign has broad Puerto Rican support but Rep. Romero-Barcelo is opposed and *Justice is disinclined*.[398]

Toward the end of 1997, Pardon Attorney Margaret Love was preparing to leave the Department of Justice. In September 1997, she wrote a 36-page memorandum to Roger Adams in the Deputy Attorney General's Office, "reflecting status and nature of clemency deliberations concerning Puerto Rican Nationalists, with series of 9/12/97–9/19/97 electronic communications between Margaret Colgate Love and Roger C. Adams concerning same . . ."[399] That memorandum was the final internal Department of Justice document received or written by Love reflected on the privilege log.

Throughout the closing months of 1997 it appears that Deputy Attorney General Eric Holder was active in the issue. The privilege log reflects at least two notes regarding his questions on the clemency or his thoughts on the matter.[400] Meanwhile, Counsel to the Deputy Attorney General Roger Adams was appointed Pardon Attorney. It appears from the privilege log that Adams began working on the clemency matter for OPA.

The issue of clemency for the FALN and Macheteros prisoners picked up again in the summer of 1998. On May 19, 1998, Pardon Attorney Adams sent Deputy Attorney General Holder a 48-page draft memorandum to the President, "concerning clemency for

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[394] Exhibit 58—Department of Justice privilege log at 18.
[395] *Id.* at 18; Exhibit 57—White House privilege log at 5.
[396] Exhibit 45—Letter from Margaret Colgate Love to Charles F.C. Ruff (July 25, 1997).
[397] Exhibit 57—White House privilege log at 4.
[398] White House production CL 16760–16772, at 16765 (emphasis added).
[399] Exhibit 58—Department of Justice privilege log at 18.
[400] *Id.* at 16.

Puerto Rican Nationalist prisoners."[401] Several months later, the Attorney General was informed of the new activity concerning the clemency. On August 7, 1998, the Pardon Attorney prepared a two-page memorandum regarding the history of the clemency request, which was forwarded to Attorney General Reno on the following day.[402] By the end of August, the Pardon Attorney and the Office of the Deputy Attorney General were again working on drafts of the clemency report.[403] On September 1, 1998, Pardon Attorney Adams discussed the draft memorandum with Associate Counsel to the President Chirwa, again bringing the White House into the picture.[404]

It was not until the spring of 1999 when the privilege log shows more activity on the clemency report. Between April and July 1999, there were numerous drafts of the report and discussions between OPA and the Office of the Deputy Attorney General.[405] In addition, OPA was consulting with the Chief of Terrorism and Violent Crimes Section, and other attorneys in the Criminal Division at the Department of Justice. However, in March 1999, according to White House documents, the Justice Department continued to oppose the clemency. In an e-mail to Counsel to the President Charles Ruff, Deputy Chief of Staff Maria Echaveste wrote, "[m]y recollection of the last status is that there was some movement towards a conclusion that commutation might be ok for some of the prisoners but not all—*but DOJ concluded no go then*—is that about right?"[406]

On July 8, 1999, Deputy Attorney General Holder sent to the President a "memorandum regarding clemency matter."[407] This was the second report sent to the White House regarding clemency for the members of the terrorist groups FALN and Los Macheteros. At the end of July 1999, Counsel to the President Ruff personally spoke with an attorney in the office of the Deputy Attorney General regarding the clemency.[408] On August 9, 1999, OPA and the Deputy Attorney General's office held a meeting about the clemency.[409] The President announced the clemency 2 days later on August 11, 1999.

Although it is impossible for the Committee to know what was in the Department of Justice's report, an article in the New York Times claimed to have an official source with knowledge of information in the report.[410] The article stated that although the opposition of the U.S. Attorneys and FBI was mentioned in the report, the Justice Department made no specific recommendation. Rather, the report "contained what law-enforcement officials said was a more carefully worded analysis that presented the President with multiple options for each prisoner, from unconditional release to no

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[401] *Id.*
[402] *Id.* at 15.
[403] This is the same time period in which they were meeting with supporters of clemency as well. *Id.*
[404] *Id.* at 14.
[405] *Id.* at 7–14.
[406] White House production CL 16653 (emphasis added).
[407] Exhibit 57—White House privilege log at 1 (emphasis added).
[408] Exhibit 58—Department of Justice privilege log at 7.
[409] *Id.* at 4.
[410] David Johnston, *Federal Agencies Opposed Leniency for 16 Militants,* N.Y. Times at A1 (Aug. 27, 1999).

leniency whatsoever."[411] This is a matter of some concern to the Committee because it appears that the Justice Department has bent and even changed its rules to accommodate this politically charged clemency. By refraining from giving a clear recommendation, it is almost as if the Justice Department is doing the best that it can to bolster a decision that had already been made.

6. The White House's role in the clemency process

The White House was involved in the clemency process from nearly the beginning. The President's Interagency Working Group on Puerto Rico took an interest in the petition filed on behalf of the members of the FALN and Los Macheteros terrorist organizations. Thereafter it became involved in the clemency process, working with clemency supporters to bring the issue more support and attention. Although the White House staff worked regularly with clemency supporters, they never met with the victims of FALN and Macheteros violence or any groups that opposed the clemency. Most groups in opposition did not know the clemency was being considered, or never believed that it would be seriously considered due to the nature of the crimes committed. It appears that the White House was aware of the opposition of the Department of Justice and law-enforcement, and was searching for a way in which its decision would not be in direct contradiction to the Department of Justice recommendation.

The White House first became involved in the clemency through the Interagency Working Group on Puerto Rico ("Working Group"), co-chaired by Marcia Hale and Jeffrey Farrow. On October 24, 1994, the Special Assistant to Jeffrey Farrow, Mayra Martinez-Fernandez, wrote a memo to Farrow on the "Puerto Rico Political Prisoners."[412] It is obvious even from the title of her memorandum that she believed that the FALN members were imprisoned for their political beliefs rather than the terrorist acts for which they were convicted. In fact, in the very first paragraph of the memorandum Martinez-Fernandez states, "[t]hey have been persecuted because of their commitment and activism in support of Puerto Rican independence."[413]

The Committee finds it troubling that a White House aide would show such disregard for the victims of FALN and Macheteros violence and the laws of the United States. The Martinez-Fernandez memorandum continues to argue against the long sentences being served by the FALN members: "[t]hese sentences and the time already served are far longer than the average time served in the U.S. for the most heinous offenses against society, and far longer than the average time served by political prisoners in other countries!"[414] Again, this position is inconsistent with the statutes leading to the FALN and Macheteros' sentences, and there appears to be no accompanying enthusiasm to change the law. In effect, the early White House position appears to be more tied to support for the politics of these prisoners than concern for the laws.

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[411] *Id.*

[412] Memorandum from Mayra Martinez-Fernandez, to Jeffrey Farrow (Oct. 24, 1994). White House production CL 15537–15538. (Exhibit 59).

[413] *Id.*

[414] *Id.*

Even more disturbing, the memorandum not only discusses the deserving and good nature of the prisoners, it also discusses the benefits to the Clinton administration:

> The release of these Puerto Rican men and women would be welcomed as a show of good faith and a gesture to demonstrate that reconciliation, peace-making and human rights (as well as the resolution of the situation in Puerto Rico) are among Clinton's priorities. This could be a tangible accomplishment of the Working Group that not only enjoys wide support in the U.S., Puerto Rico, and internationally, but that is fairly easy to accomplish and will have a positive impact among strategic Puerto Rican communities in the U.S. (read, voters).[415]

It is clear from the memorandum that Martinez-Fernandez had no idea what was involved in a grant of clemency, much less commuting a prisoner's sentence. However, it appears her memo was acted upon; the "Working Group" was behind the clemency and continued to work with advocacy groups until the commutations were finally granted. As a final addition to the memorandum, Martinez-Fernandez wrote:

> The release of these 15 Puerto Ricans is of special significance to me. I know most of these people's families. I know of their hard work and contributions to Chicago's Puerto Rican community. They are truly good people who are where they are for wanting their country to be free. That is not a crime. The history of the birth of this country clearly demonstrates the burning desire of a people to be free from colonial control. As a Puerto Rican, I feel I own [sic] them for their sacrifice. As people who love and value democracy and liberty, I feel that this Administration should take a stand for what they believe in, and set an example for other countries to follow by setting free 15 of their own political prisoners.[416]

As a further example, Martinez-Fernandez wrote a June 7, 1995, memorandum to Jeffrey Farrow, updating him on the "Puerto Rican Prisoners."[417] In the memorandum, she mentioned seven different groups that were working on behalf of the prisoners. Perhaps one of the most interesting was Gerry Adams of the Irish Republican Army. Martinez-Fernandez wrote of Adams, "[h]e made a commitment to bring up the issue of the Puerto Rican political prisoners in the negotiations which involve the White House and the Government of Great Britain concerning peace in Northern Ireland."[418]

In her memoranda, Martinez-Fernandez consistently refers to the FALN and Macheteros members as "political prisoners." Indeed, the prisoners themselves argue that they have been incarcerated for political reasons. However, the only elected Federal rep-

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[415] *Id.*
[416] *Id.*
[417] Memorandum from Mayra Martinez-Fernandez to Jeff Farrow (June 7, 1995). White House Document production CL 15534. (Exhibit 60).
[418] *Id.*

resentative from Puerto Rico, Resident Commissioner Carlos Romero-Barcelo disputed the characterization. He wrote that:

> [T]he terrorists aimed to legitimize their actions by seeking protection as political prisoners or prisoners of conscience through Amnesty International, the leading human rights organization in the world. According to an editorial in the *San Juan Star,* the principal English language newspaper in Puerto Rico, Amnesty International rejected their request, clarifying that because "the crimes the 15 committed were violent in nature . . . disqualified them as political prisoners in describing their status."[419]

If one believes that the White House should be impartial when reviewing and handling clemency matters, Martinez-Fernandez should have had no role in the petition for clemency on behalf of the FALN and Macheteros members. Nevertheless, she and the Working Group played a major role, working to recruit supporters and organize the campaign for release.

The White House Counsel's Office is historically and typically the liaison with OPA on the issue of clemency.[420] The Counsel's Office first became involved in the FALN and Macheteros clemency in early June 1995.[421] Associate Counsel Cheryl Mills[422] handled clemency issues for the Counsel's Office.[423] On June 5, 1995, the Working Group asked to meet with Associate Counsel Mills to discuss the clemency for the FALN and Macheteros members.[424] The meeting was described to Mills:

> The people involved in this potential meeting are not outsiders seeking to influence the White House regarding these prisoners. They are all White House, DOJ, and Commerce Dept. officials who are members of the Inter-Agency Working Group on Puerto Rico who want to discuss how to respond to expected pressures and requests for meetings with the President and others about these prisoners.[425]

The Working Group did hold a meeting on June 21, 1995, however it is not clear whether Associate Counsel Mills attended.[426]

Notes of the June 21, 1995, Working Group meeting reflect that several issues arose, including, "how should we respond to this political request."[427] The notes made clear that the White House was hearing from Puerto Rico on the clemency issue, however, "the ef-

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[419] Letter from Carlos Romero-Barcelo, Resident Commissioner for Puerto Rico, to Dan Burton, chairman, House Government Reform Committee (Sept. 14, 1999) (Exhibit 61).

[420] DOJ Organization, Mission and Functions Manual, Office of the Pardon Attorney at 51 (July 1999).

[421] Electronic mail from Vicki J. Divoll to Cheryl D. Mills, Associate White House Counsel (June 5, 1995). White House production CL 16383 (Exhibit 62).

[422] Mills was subsequently promoted to Deputy Counsel to the President.

[423] *Id.*

[424] Electronic mail from Vicki J. Divoll to Cheryl D. Mills, Associate White House Counsel (June 5, 1995). White House production CL 16382 (Exhibit 63).

[425] Electronic mail from Vicki J. Divoll to Cheryl D. Mills, Associate White House Counsel (June 7, 1995). White House production CL 16384 (Exhibit 64).

[426] The White House inadvertently produced handwritten notes of Mayra Martinez-Fernandez, Special Assistant to the Co-Chair of the Working Group, taken during the meeting. The notes do not reflect who was in attendance. Letter from Dimitri J. Nionakis, Associate Counsel to the President, to Kristi L. Remington, senior counsel, House Government Reform Committee (Oct. 14, 1999). (Exhibit 65).

[427] Handwritten notes of Mayra Martinez-Fernandez, Special Assistant to the Co-Chair of the Working Group, June 21, 1995. White House production CL 15550–15553. (Exhibit 66).

fort [was] led by P[uerto] R[icans] in the U.S." The Working Group also acknowledged that OPA had to resolve the issue of the petition for clemency. They recognized that it was a problem that the prisoners would not file their own petitions.[428] During the meeting, the Working Group discussed the general process of clemency. The notes indicated that the last step would be the transmittal of the Department of Justice recommendation to the Counsel's Office, and that it "pretty much follows [the] recommendation by [the] Pardon Attorney."[429] The notes further explained, "[I]f parole is a possibility, they use it rather than a commutation. They could also enable the process to make them parole eligible. Most of them don't want to apply for parole—which is another political statement on their part." It was true that the prisoners should have faced a major obstacle to their clemency in that all of them would be eligible for parole after serving a certain portion of their sentences. However, most of the FALN and Macheteros members refused even to apply for parole because it would recognize the Unites States Government and its authority over them. Those that did apply for parole had been rejected as poor candidates. Finally, the participants in the meeting noted that this was a "high priority P[uerto] R[ican] issue."[430] This indicates a level of political calculation that is troubling.

The White House produced notes taken by Mayra Martinez-Fernandez from two other Working Group "strategy meetings" on the clemency matter. In the first set of notes, the Working Group discusses the actions congressional groups would take on the clemency.[431] Congressmen Gutierrez, Serrano, and Congresswoman Velazquez were taking the lead on all efforts supporting clemency. They noted that, "Velazquez, Gutierrez and Serrano *not voting with President on some important legislation unless he commits to release prisoners right after 1996 elections.*"[432] Under a separate heading of "Meetings," the Working Group listed individuals who should request meetings with Pardon Attorney Margaret Colgate Love.[433] They added, "[s]ome of these people should meet with President Carter and request a letter to the President."[434] President Carter did ultimately write a letter to Attorney General Reno supporting the clemency for the FALN and Macheteros members. However, it appears odd that members of the President's Working Group would organize outside support for the clemency. From the Committee's perspective, an impartial position would be more appropriate. In fact, the notes indicate that they planned to identify "liberal reporters in key media outlets," in an effort to create more support.[435]

On July 7, 1995, the Working Group held another "strategy meeting."[436] The first item on the agenda was to "continue letter

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[428] *Id.*
[429] *Id.* at 15551.
[430] *Id.* at 15553.
[431] Handwritten notes of Mayra Martinez-Fernandez, Special Assistant to the Co-Chair of the Working Group, undated. White House production CL 15554–15558. (Exhibit 9).
[432] *Id.* at 15554 [emphasis added].
[433] *Id.* at 15556.
[434] *Id.*
[435] *Id.* at 15557.
[436] Handwritten notes of Mayra Martinez-Fernandez, Special Assistant to the Co-Chair of the Working Group, July 7, 1995. White House production CL 15559–155562. (Exhibit 67).

campaign from U.S. as Democratic voters. Personalize them."[437] The notes go on to list numerous individuals who should write letters to the President and request meetings with officials in Illinois and Chicago who might oppose the clemency.[438] Most of the prisoners were convicted in Illinois, therefore they proposed meetings with the Illinois Governor and Attorney General, as well as the mayor of Chicago.[439] Again, these are actions that it would appear inappropriate for the White House to be organizing. To use U.S. taxpayer dollars to promote something of this nature for political benefit is deeply disturbing. Because the Committee is unable to discuss the clemency issue with anyone in the White House, it is left to speculate that the purpose of these activities was to be able to point to outside support for clemency when announcing its decision.

Few documents were received from the White House during the time between the July 1995, meeting and mid-1998, when the clemency issues moved to the forefront. However, internal White House documents do indicate that White House Counsel Jack Quinn met with Representatives Serrano, Gutierrez, and Velazquez on December 16, 1996.[440] The meeting was held on the same day that the Justice Department transmitted its recommendation against clemency for the FALN and Macheteros clemency. It is not until a year later that Jeffrey Farrow, the Co-Chair of the Working Group, asked for a meeting with Associate Counsel Dawn Chirwa about the clemency issue.[441] Farrow wrote in an electronic mail message, "[d]id Maria Echaveste ask if you could come to her office tomorrow at 2 re[:] Puerto Rican *political prisoners?* She's sympathetic and wanted to discuss the issue."[442] Again, it is troubling that a senior White House staff member would refer to the terrorists as "political prisoners."

In 1998, the White House was more active on the FALN and Macheteros clemency. On March 26, 1998, an organization supporting the release of the prisoners sought to deliver petitions for the prisoners' release to the White House.[443] On the same day, a representative of the Carter Center, Ambassador Harry Barnes, requested to meet with the Co-Chair of the Working Group, Jeffrey Farrow. Farrow noted in an electronic mail message regarding the two requests:

> Fred and I plan to be in Puerto Rico on the 26th, but I think it would help on the issue—since it will not be resolved soon—to have these people received. This is the type of meeting that we discussed having at our meeting in Maria's office. We (Dawn [Chirwa], Janet, Suzanna

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[437] *Id.* at 15559.

[438] *Id.*

[439] *Id.* at 15559–15560.

[440] Electronic mail from Janet Murguia, Deputy Assistant to the President for Legislative Affairs (House), to Stacey L. Rubin, Special Assistant to the Deputy Director for Legislative Affairs (Dec. 16, 1996). White House production CL 16385. (Exhibit 68).

[441] Electronic mail from Jeffrey Farrow, Co-Chair Interagency Working Group on Puerto Rico, to Dawn Chirwa, Associate Counsel to the President (Dec. 16, 1997). White House production CL 16412. (Exhibit 69).

[442] Maria Echaveste is now the Deputy Chief of Staff at the White House. *Id.* (emphasis added).

[443] Electronic mail from Jeffrey Farrow, Co-Chair Interagency Working Group on Puerto Rico, to Dawn Chirwa, Associate Counsel to the President and Fred Duval (Mar. 11, 1998). White House production CL 16428. (Exhibit 70).

> Valdez, and I) symbolically received petitions on the issue before. (Reps. Serrano, Velazquez [sic], and Gutierrez were part of that presentation. They are not making this request but we may want to see if at least the NY Members want to be here if there's a brief meeting.)[444]

The message represents another example of the White House organizing support for the clemency. It is not clear why they put so much effort into the appearance of things, when the President could grant clemency at any time. Nevertheless, the meetings with supporters continued.

In June 1998, Working Group Co-Chair Jeffrey Farrow was organizing a high level meeting for the family of the prisoners. He consulted with Deputy Chief of Staff Maria Echaveste, Deputy Director for Legislative Affairs Janet Murguia, Associate Counsel Dawn Chirwa, and Director of Intergovernmental Affairs Mickey Ibarra.[445] Farrow wrote:

> Mickey and I want to make sure you agree on the advisability of meeting with family members of the Puerto Rico independence crimes prisoners. He and I discussed the issue after his e-mail copied to you. He now has more background on what we have been doing on this matter, feels more comfortable, and will be if you are. Are you? Additionally, my sense from the families' counsel is that they plan a low-key visit aimed at adding to the human dimension on the issue (following, in particular, the religious leaders' presentations to Chuck Ruff and Jack Quinn.)[446]

A month later, Farrow prepared talking points for the Vice President's meeting with the Hispanic Caucus and included the "Puerto Rican Political Prisoners."[447] He noted that, "Justice is expected to make a recommendation on the cases soon."[448]

On June 4, 1998, Farrow was quoted in the San Juan Star regarding the clemency for the FALN and Macheteros members.[449] He indicated to the reporter that the decision may be near, "We expect that the Department of Justice will complete its review and submit its recommendations in a few months[.]" Although the Justice Department allegedly had a clear policy on the discussion of the status of clemency petitions, it is not clear whether the White House had such a policy. It appears that Farrow spoke regularly with reporters on the issue. In an internal OPA electronic mail message, staff informs Pardon Attorney Adams that, "[t]he White House contact who has told reporters that they are expecting a recommendation in about a month regarding the Puerto Ricans' pardons is Jeffrey Farrow. He is apparently the 'Puerto Rican contact'

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[444] *Id.*

[445] Electronic mail from Jeffrey L. Farrow, Co-Chair Interagency Working Group on Puerto Rico, to Maria Echaveste, Deputy Chief of Staff; Janet Murguia, Deputy Director for Legislative Affairs; Dawn Chirwa, Associate Counsel to the President (June 11, 1998). White House production CL 16430. (Exhibit 71).

[446] *Id.*

[447] Electronic mail from Jeffrey L. Farrow, Co-Chair Interagency Working Group on Puerto Rico, to Ricardo Gonzalez, Office of the Vice President (July 16, 1998). White House production CL 16415–16416. (Exhibit 72).

[448] *Id.*

[449] *Farrow: Pardon Decision for 15 P.R. Inmates May Be Near,* San Juan Star, June 4, 1998, at A7.

at the White House."[450] In fact, some at the White House referred to him as the "guru on the issue."[451]

In early 1999, Farrow appeared to be pushing for a resolution of the clemency issue. He writes in an electronic mail message:

> We should think about a meeting soon with Reps. Gutierrez, Velazquez, and Serrano on the Puerto Rico independence crimes prisoners issue. They have requested one with the POTUS but the options include the VP and John as well. The issue should be resolved soon—the petitions have been before us for a long time. *The VP's Puerto Rican position would be helped*: The issue is Gutierrez's [sic] top priority as well as of high constituent importance to Serrano and Velazquez.[452]

The following day, Deputy Chief of Staff Maria Echaveste forwards the electronic mail message to Counsel to the President, Charles F.C. Ruff, urging a meeting:

> Chuck—Jeff's right about this—very hot issue. I would suggest that Chuck and I meet with these members once we have the latest update from Chuck, unless John [Podesta] feels like taking the time on this difficult issue. My recollection of the last status is that there was some movement towards a conclusion that commutation might be ok for some of the prisoners but not all—but that doj [Department of Justice] concluded no go then—is that about right?[453]

In fact, Ruff did meet with the Representatives on April 21, 1999, to discuss the clemency issue.[454]

By July 8, 1999, the Department of Justice transmitted its second clemency report on the petition of the FALN and Macheteros members to the White House. However, the President had not yet made his decision public. A background memo and talking points prepared by Jeffrey Farrow for the White House Press Secretary in July 1999 discuss a demonstration at the White House:

> A demonstration in front of the White House July 23rd is planned to include a refusal to move at 1 pm. At the same time, representatives of the demonstrators are to meet with inside [sic] on the matter (Associate Counsel to the President Meredith Cabe and Jeffrey Farrow, Co-Chair of the President's Interagency Group on Puerto Rico).

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[450] Electronic mail from Chris J. Watney, Office of the Pardon Attorney, to Roger Adams, Pardon Attorney (Dec. 4, 1998). Department of Justice production 1040931. (Exhibit 73).

[451] Electronic mail from Maritza Rivera to Maureen Shea (Oct. 28, 1998). White House production CL 16501. (Exhibit 74).

[452] POTUS is the President of the United States. Electronic mail from Jeffrey L. Farrow, Co-Chair Interagency Working Group on Puerto Rico, to Fred Duval, Mickey Ibarra, Maria Echaveste, and Janet Murguia (Mar. 6, 1999). White House production CL 16653 (emphasis added). (Exhibit 75).

[453] Exhibit 75—Electronic mail from Maria Echaveste, Deputy Chief of Staff, to Charles F. Ruff, Counsel to the President. White House production CL 16653. (Mar. 7, 1999).

[454] Also attending the meeting were Jeffrey Farrow and Dawn Chirwa. Electronic mail from Jeffrey Farrow to Fred Duval, Maria Echaveste, Maritza Rivera, Mickey Ibarra, and Janet Murguia (Apr. 19, 1999). White House production CL 16496. (Exhibit 76).

From the electronic mail message, it appears as though Farrow had coordinated with the demonstrators in order to produce the greatest effect from the event.

On August 11, 1999, the President announced his decision and offered the grants of clemency. He explained that, "[he] commuted the sentences of eight of these prisoners to between 23 and 26 years thereby making them eligible for parole pursuant to the mandatory release standards applicable to all prisoners."[455] The eight prisoners were: Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, and Carmen Valentin.[456] The President commuted the sentences of three other prisoners, Edwin Cortes, Alberto Rodriguez, and Alejandrina Torres, to 26 years, also making them eligible for parole.[457] Oscar Lopez was treated differently because he also had a separate 15-year sentence for attempted escape.[458] The President proposed commuting his original sentence to 29 years, but would not have commuted the time for the escape attempt.[459] The last four prisoners were members of the Macheteros. Two of the individuals were already out of prison, but had not paid their fines. Roberto Maldonado-Rivera and Norman Ramirez-Talavera were granted remissions of their fines. The other two individuals, Juan Segarra-Palmer and Antonio Camacho-Negron were still imprisoned and still had fines. Antonio Camacho-Negron was already eligible for parole, but had violated his conditions of release. Therefore the President only offered him a remission of fine.[460] The President commuted the sentence of Juan Segarra-Palmer so that he would be eligible for parole after serving 19 years in prison, which the President explained was consistent with the time served by the other prisoners with similar sentences.[461]

The clemency was conditioned upon the prisoner's renouncing violence and agreeing to the standard terms of parole. Those terms included reporting to a probation officer, as well as restrictions on travel and association.[462] The prisoners and their attorneys responded that the conditions were "unfair" and would impose too many restrictions on the prisoners once released.[463] Jan Susler, attorney for the FALN prisoners, stated, "[i]t's conditioned upon them complying with terms that would limit their ability to integrate themselves into the political process to shape the future of their country, because it restricts their travel and association."[464] The attorneys also complained that the prisoners were worried about the officials who would supervise their parole as most law enforcement agencies opposed the release of the FALN members.[465] The fact that the prisoners would complain about being subject to the same rules as all other parolees when their sentences were reduced by dozens of years is incredible. Their statements show that they

[455] Exhibit 7—Letter from President Clinton to Representative Waxman.
[456] Exhibit 10—Executive order of clemency.
[457] *Id.*; Exhibit 7—Letter from President Clinton to Representative Waxman.
[458] Exhibit 7—Letter from President Clinton to Representative Waxman.
[459] *Id.*
[460] *Id.*
[461] *Id.*
[462] "Conditions of Release" Department of Justice production 002003. (Exhibit 77).
[463] *Lawyers for Puerto Rican Prisoners Call Clinton's Offer Unfair,* Associated Press (Sept. 3, 1999).
[463] *Id.*
[464] *Id.*

still do not appreciate the criminality of their acts, and still believe that they were persecuted solely for their political beliefs.

The month-long deliberations on accepting clemency brought to light one of the original issues with the request for clemency, that the prisoners refused to submit their own petitions. According to the Pardon Attorney, the rule that prisoners submit their own petitions was to be sure that they desired the relief. As a consequence of allowing Ofensiva '92 to submit the petitions, the White House could not be sure that the prisoners would accept the grants of clemency. The lengthy deliberation on the offer forced the President to demand that the prisoners accept the offer by a date certain, September 10, 1999, or forfeit the grant altogether.[466] In addition, the prisoners were required to sign what amounted to requests for clemency, even though they were after the fact.[467] Ultimately, two of the prisoners did not accept the grants of clemency, Oscar Lopez Rivera and Juan Segarra-Palmer. The other prisoners waited until September 7, 1999, to accept the President's offer.[468]

Once the prisoners accepted the commutations, their attorney, Jan Susler, stated, "[w]e think this is an unprecedented, historic moment that the President of the United States could recognize that men and women who have dedicated their lives to the freedom of their country deserve to be free . . . to participate in the political, legal process to shape the future of their country."[469] Through the act of commutation the President erased the facts of their convictions and transformed these terrorists into honorable freedom fighters.

IV. The Sentences Were Fair

Supporters of clemency for the 16 Puerto Rican terrorists have argued that their sentences were disproportionately long. While the President may grant clemency for any reason, it appears that this, the most substantive publicly-advanced justification for granting clemency, was flawed. The President, in a letter dated September 21, 1999, to Representative Henry Waxman, ranking minority member of this Committee, stated that ". . . the prisoners were serving extremely lengthy sentences—in some cases 90 years—which were out of proportion to their crimes."[470] The President has also stated that the terrorists "had all served sentences that were considerably longer than they would serve under the sentencing guidelines which control federal sentencing now."[471] These arguments, however, do not appear to be true.

As Timothy McGrath, the interim Staff Director of the U.S. Sentencing Commission recently informed this Committee: "[W]e estimate that the federal sentencing guidelines generally would call for sentences as long as or longer than those actually imposed, if the defendants had been sentenced under current law."[472] According to

[466] Letter from Dawn Chirwa, Associate Counsel to the President, to Jan Susler, attorney for clemency grantees (Sept. 3, 1999). White House production CL 15896–15897. (Exhibit 78).
[467] *Id.*
[468] Department of Justice production 001974–001990. (Exhibit 79).
[469] *12 Puerto Rican Nationalists Agree to 'Unprecedented' Clemency Condition,* CNN.com, Sept. 8, 1999.
[470] Exhibit 7—Letter from President Clinton to Representative Waxman at 2.
[471] President William J. Clinton, press conference (Sept. 9, 1999).
[472] Exhibit 3—Letter from Timothy B. McGrath to Chairman Dan Burton at 9.

the Commission, applying the sentencing guidelines to offenses analogous to those committed[473] would result in sentences of 30 years to life for the nine Puerto Rican terrorists convicted of seditious conspiracy in the Northern District of Illinois, and in sentences which would be 30 years up to the functional equivalent of life for the remaining terrorists who were in prison at the time of the clemency offer.[474] Addressing this point, the Commission found:

> In considering applicability of the current Federal Sentencing Guidelines to the 12 defendants sentenced in the Northern District of Illinois, we thought it most likely that a court would use one of two approaches to guideline application. Both of these approaches would result in a guideline range of at least 360 months to life (and, in the case of the approach described below using the Treason guideline, § 2M1.1, a guideline sentence of life imprisonment) that would permit a judge to impose a life sentence for those nine defendants convicted of a violation of 18 U.S.C. § 924(c).[475] The other three defendants not convicted of a section 924(c) violation could have received a sentence amounting to the functional equivalent of life imprisonment, and would have been required to receive a sentence of at least thirty years under the guidelines, in our estimation. In estimating the guideline sentence for defendant Palmer sentenced in the district of Connecticut, we applied the Robbery sentencing guideline with applicable enhancements and concluded that the defendant would have been subject to a guideline sentence of life imprisonment. However, because none of the counts of conviction permit an actual life sentence, the guidelines would direct the court to impose the statutory maximum term of imprisonment on each count and run the sentences consecutively, in order to achieve the functional equivalent of a life sentence.[476]

Applying the sentencing guideline for the crime of treason,[477] the guidelines would require that life sentences be imposed on all 13 terrorists, with statutory maximum sentences for all other counts running consecutively with each other and with the life sentences. The Commission stated that applying the sentencing guidelines for treason would be appropriate based on the facts of the case:

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[473] There is no Federal sentencing guideline for the offense of seditious conspiracy.

[474] *Id.* at 1–2. Terrorists Antonio Camacho-Negron, Roberto Maldonado-Rivera, and Norman Ramírez-Talavera were not included in the Sentencing Commission's analysis, as each had completed their prison terms when President Clinton offered clemency. *Id.* at fn. 1.

[475] "The following defendants were convicted of violations of 18 U.S.C. § 924(c) and, accordingly, could receive sentences of life imprisonment under the current version of that statute: Elizam Escobar, Ricardo Jimenez, Oscar Lopez-Rivera, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, and Carmen Valentín." *Id.* at fn. 2.

[476] *Id.* at 1–2.

[477] In his letter, McGrath stated that "[i]t is our opinion that a court reasonably could conclude that the Treason guideline, USSG § 2M1.1(a)(1), is sufficiently analogous to the offense of conviction of seditious conspiracy charged in these cases. We find strong support for this conclusion based on the fact that, in a factually and legally analogous case involving the bombing of the World Trade Center, the district court for the Southern District of New York made a similar determination, and this decision was recently affirmed by the U.S. Court of Appeals for the Second Circuit." *Id.* at 2–3 (citing *United States* v. *Rahman,* 1999 WL 626631 (2d Cir., Aug. 16, 1999)).

> Because the object of the FALN conspiracy, and the conduct alleged as part of the conspiracy, amounted to an avowed intent by the members of the conspiracy to wage war against the United States, a court could appropriately find that the most analogous guideline is USSG § 2M1.1(a), Treason. Applying that guideline based on the court determination that the underlying conduct amounts to waging war against the United States, a base offense level of 43 is mandated under USSG § 2M1.1(a)(1). *See United States v. Rahman,* —— F. 3d ——, 1999 WL 626631, at *55 (2d Cir. Aug. 16, 1999) (concluding that treason by waging war is appropriately analogous to offense of seditious conspiracy by levying war; conviction for seditious conspiracy was based on planned bombing of tunnels in New York).[478]

The Commission also found that no mitigating adjustments would be appropriate. With respect to mitigating adjustments based on the role of the offender in the conspiracy (USSG § 3B1.2), the Commission found that "a court could not grant a downward adjustment for mitigating role unless the particular defendant met his or her burden of proving that he or she was 'substantially less culpable than the average participant.'"[479] Since the defendants chose not to participate in their trial, the applicability of this mitigating adjustment is doubtful. Likewise, with respect to a mitigating adjustment based on remorse (USSG § 3E1.1), the Commission stated that "[b]ecause the defendants went to trial and did not express remorse, we are aware of no basis for granting this reduction."[480]

Clemency supporters who testified at this Committee's September 21, 1999, hearing compared the sentences of the 16 Puerto Rican terrorists with sentences imposed for other crimes thought to be more serious than seditious conspiracy. The Reverend Thomas E. Dipko, testifying on behalf of the General Synod of the United Church of Christ, stated:

> We agree with President Clinton, Amnesty International, and numerous voices of conscience at home and abroad, who note that in comparison with the seven to twenty year sentences generally served by people actually convicted of murder in our nation, the more than 1,000 years of incarceration imposed on these men and women, averaging over 65 years in prison for each, constitutes excessive punishment disproportionate to the crimes of which they were found guilty.

Also, Harry Barnes, director of the Conflict Resolution Program at the Carter Center, in a letter to Chairman Burton of this Committee dated October 15, 1999, compared the sentences of the 16 terrorists to: (1) the "average maximum sentence for murder" in Federal courts in 1980 (approximately 10 years); (2) the "average maximum sentence for murder" in Federal courts in 1997 (approxi-

[478] *Id.* at 3.
[479] *Id.* at 4.
[480] *Id.* at 4.

mately 12 years); and (3) the "average maximum sentence for murder" in State courts in 1997 (approximately 22 years).[481]

Seditious conspiracy and murder, however, are not equivalent crimes. McGrath, in his October 26, 1999, letter addressed the Carter Center's comparison:

> The completed criminal conduct of the FALN defendants may not have resulted in murder, but the additional planned conduct certainly threatened the lives of many persons and, more generally, sought to oppose the United States government by force and violence. Thus, from a just punishment perspective, it is not at all clear that the FALN sentences were disproportionate to the seriousness of the crimes.[482]

The implication that the sentences of up to 90 years imposed on the FALN terrorists were unusually long as compared with other Federal sentences is further belied by Bureau of Justice Statistics sentencing data. At the end of fiscal year 1998, there were 74 offenders in Federal prison who had been sentenced to determinate sentences greater than 100 years prior to enactment of the Sentencing Reform Act of 1984, and 578 offenders who had been sentenced to life imprisonment under the old law. Overall, at the end of fiscal year 1998, there were 115 offenders in Federal prison serving determinate sentences greater than 100 years, 2,040 offenders serving Federal life sentences, and 7 offenders on Federal death row.[483]

In his letter to Representative Waxman, the President also contrasted the sentences of the prisoners in question with that of Jose Solis Jordan, another Puerto Rican terrorist who was sentenced on July 7, 1999, to 51 months in prison for the attempted bombing of a Marine recruiting center in Chicago.[484] Unlike the 16 Puerto Rican terrorists, who were convicted on multiple charges related to the FALN's terrorist campaign in the early 1980's, Solis Jordan was tried on charges related to a single attempted bombing.[485] Solis Jordan was ultimately convicted on four counts:[486] (I) conspiracy to destroy Federal property by fire or explosive;[487] (II and III) attempted destruction of Federal property by fire or explosive;[488] and (IV) illegal possession of explosives.[489] The fact that Solis Jordan was not prosecuted for seditious conspiracy, and not sentenced under the guideline for terrorism,[490] does not suggest

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[481] Letter from Harry Barnes, director, Conflict Resolution Program, the Carter Center, to Dan Burton, chairman, Committee on Government Reform (Oct. 15, 1999). (Exhibit 80).

[482] Exhibit 3—Letter from Timothy B. McGrath to Chairman Dan Burton at 8–9.

[483] Federal Justice Statistics Resource Center, "Dataset: Population of offenders in Federal Prison at fiscal year-end, 1998," (viewed Oct. 26, 1999). <http://fjsrc.urban.org/noframe/wqs/q__b.cfm?agency=BOP&SAF=stk&year=1998>.

[484] Exhibit 7—Letter from President Clinton to Representative Waxman at 2.

[485] Neil Gallagher, Assistant Director of the National Security Division of the Federal Bureau of Investigation, testified at this Committee's Sept. 21, 1999 hearing that the 1992 bombing for which Solis Jordan was convicted was designed to gauge the response of the Puerto Rican people to the resumption of pro-independence terrorism. Solis Jordan was not charged with seditious conspiracy.

[486] *U.S.* v. *Solis Jordan,* Docket No. 97–CR–814, (N.D. Ill., 1999). Amended Judgment and Commitment Order, issued Sept. 3, 1999

[487] 18 U.S.C. Sec. 371.

[488] 18 U.S.C. Sec. 844(f).

[489] 18 U.S.C. Sec. 5861(d).

[490] U.S. Sentencing Commission, 1998 Guidelines Manual, Sec. 3A1.4.

that the sentences imposed on his predecessors in terror were in any respect unjust.

V. The FALN and Macheteros Terrorists Are Strange Candidates for Clemency

As the Justice Department itself noted, commutations of sentence are very rarely granted; it is an extraordinary remedy.[491] Since President Clinton took office, he had granted only 3 commutations of sentence out of 3,042 requests.[492] In each of those three instances, the length of the sentence commuted did not compare to the sentences being served by the FALN and Macheteros terrorists. The first commutation, in 1994, was of a hog farmer in Nebraska who had been convicted of perjury in bankruptcy proceedings.[493] The farmer was sentenced to 5 months prison, 3 years supervised release, and 5 months home confinement.[494] The President commuted his 5 month sentence after the farmer had served 4 months and 25 days, and removed the home detention requirement.[495]

President Clinton later commuted the sentence of a woman who was convicted of conspiracy to distribute cocaine and sentenced to 2 years and 9 months.[496] She was scheduled to be released on May 27, 1995, when Clinton commuted her sentence to time served on April 17, 1995, sparing her a little less than a month longer in prison.[497] The Pardon Attorney explained that the woman had withdrawn from drug activity prior to her trial and the President felt that she had served enough time.[498]

The third sentence commuted by President Clinton was that of a man convicted of marijuana charges. The Pardon Attorney explained that the man had cooperated with the U.S. Attorneys Office prosecuting the case, and in turn was supposed to get a favorable recommendation on sentencing.[499] Due to an error on the part of the U.S. Attorneys Office, the recommendation was not filed on time. The man commenced his sentence of 5 years and 11 months on December 3, 1991 and was scheduled for release on November 1, 1996.[500] The President commuted his sentence to time served on August 21, 1995, releasing him 1 year and 2 months early.[501]

In comparison, the FALN and Macheteros terrorists were released after serving 19 years on their sentences ranging from 35 to 90 years.[502] The initial commutations were of a completely different nature than the FALN and Macheteros commutations, and the presence of remorse and cooperation provided a justification for

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[491] "The Executive Clemency Process" Department of Justice production 1040586–1040591, at 590.

[492] Exhibit 25—Chart, "Presidential Clemency Actions by Administration." Figures include the first 6 months of fiscal year 1999.

[493] Exhibit 1 at 000735.

[494] *Id.*

[495] *Id.* at 000750.

[496] *Id.* at 000739.

[497] *Id.* at 000751.

[498] Committee Interview with Roger Adams, Pardon Attorney, Sept. 18, 1999.

[499] *Id.*

[500] Exhibit 1 at 000752.

[501] *Id.*

[502] Exhibit 7—Letter from President Clinton to Representative Henry Waxman. Juan Segarra-Palmer's sentence was commuted so that he would not be released until he served 19 years. He was originally sentenced to 55 years in prison.

the grant of clemency. The members of the FALN and Macheteros terrorist groups who were granted clemency showed none of those virtues. Some of them may well have been exemplary prisoners.[503] However, they never took responsibility for what they did and, in fact, most of them still call themselves "political prisoners" and blame the government for what they did. Furthermore, the President granted them clemency as a group. It is troubling to the Committee that some might read President Clinton's grant of clemency as validating the actions of the FALN and Macheteros terrorist groups, or at the least being lenient toward them.

A. CRITERIA FOR CLEMENCY

Generally, when considering commutations, the Justice Department looks at several factors: "disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner, e.g., cooperation with investigative or prosecutive efforts that has not been adequately rewarded by other official action."[504] In addition, whether the petitioner is eligible for parole is taken into account, which would be another remedy available.[505] Other factors that one would look into when considering clemency would be the type of offense and whether the petitioner accepted responsibility and showed remorse for his actions.[506] When looking at remissions of fines, "the ability to pay and any good faith efforts to discharge the obligation are important considerations," along with "satisfactory post-conviction conduct."[507]

In the case of the FALN and Macheteros clemency, all of the prisoners granted commutations by the President either were already eligible for parole, or soon would be. The majority of them refused even to apply for parole.[508] The prisoners do not appear to meet any of the other criteria that the authorities are supposed to examine to determine eligibility. Using today's sentencing guidelines, the U.S. Sentencing Commission determined that the sentences imposed on the FALN and Macheteros terrorists were not disparate or unduly severe.[509] According to the prisoners' records provided by the Department of Justice, none of the prisoners suffered from a critical illness or old age. In addition, the FBI testified before the Committee that none of the prisoners had cooperated with law enforcement.[510] After reviewing the information available on the prisoners and speaking with the relevant authorities, the Committee was left puzzled about the grant of clemency.

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[503] There is evidence in the record of good conduct during their period of incarceration (in addition to evidence, in some of their cases, of bad or illegal conduct).

[504] Exhibit 26—U.S. Attorneys Manual.

[505] *Id.*

[506] *Id.*

[507] *Id.*

[508] Oscar Lopez Rivera, Ricardo Jimenez, Alejandrina Torres, Elizam Escobar, Carmen Valentın, Adolfo Matos, Edwin Cortes, and Ida Luz Rodrıguez all refused to apply for parole. Sentence monitoring computation data. Department of Justice production at 120015, 020022, 100011, 010019, 080010, 030026, and 110013.

[509] See discussion supra part V.

[510] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (testimony of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation).

B. THE VIOLENT NATURE OF THOSE OFFERED CLEMENCY

In discussing the grant of clemency to the FALN and Macheteros members, the White House made an effort to portray those who were offered clemency as non-violent offenders. The mantra repeated by the White House was that the individuals offered clemency *were not convicted* of bombings that directly caused the death of any person. This suggested that they were unfairly categorized as violent through guilt by association. This is not the case. The individuals granted clemency were violent people committed to the use of violence to win independence for Puerto Rico.

When considering a commutation of sentence, one would hope that the Department of Justice and the President would look to whether it was safe to put an individual back into society; of foremost concern should be public safety. Generally, in making a determination, the Justice Department should look at the individual's conduct in prison, statements the prisoners have made, and whether law enforcement agencies have concerns. In the case of the FALN and Macheteros prisoners, it appears that their violent histories were ignored.

1. Present day threats

In September 1999, the Attorney General released a "Five-Year Interagency Counterterrorism and Technology Crime Plan."[511] The plan was released the same month as the FALN and Macheteros terrorists were released from prison. In a section of the Attorney General's report discussing the threat posed from domestic terrorists, she writes:

> Puerto Rican terrorist groups, such as the Fuertas [sic] Armadas de Liberacion Nacional Puertorriquena [sic] (FALNP) and the Ejercito Popular Boricua Macheteros (EPB-Macheteros), are an exception and represent an ongoing threat. They have previously used violence in an attempt to achieve independence for Puerto Rico. In an eleven-year span, Puerto Rican terrorists were responsible for more than 100 bombings and arsons, in both Puerto Rico and on the U.S. mainland. Factors which increase the present threat from these groups include renewed activity by a small minority advocating Puerto Rican statehood, the 100-year anniversary of the U.S. presence in Puerto Rico, and the impending release from prison of members of these groups jailed for prior violence.[512]

Even as the prisoners were being released, the Justice Department acknowledged that such release increased the threat of violence from the FALN and Macheteros.

In testimony before the Committee, Neil Gallagher, FBI Assistant Director for National Security testified that the FBI believed that the release of the prisoners would provide a "psychological or

[511] Five Year Interagency Counterterrorism and Technology Crime Plan, September 1999. Department of Justice production 10140039–10140136.
[512] *Id.* at 10140050 (emphasis added).

operational" benefit to the two terrorist organizations.[513] Gallagher explained that the FALN and Macheteros continue as terrorist organizations and to place one of their imprisoned "comrades" back into their midst, would give the organization a boost.[514] Gallagher used the example of the Macheteros' fugitive leader Filiberto Ojeda Rios, who, on September 13, 1999, issued a communique warning the U.S. Navy not to resume the use of a range on the island of Vieques, Puerto Rico.[515] The communique warned that the Macheteros "would not remain with their arms crossed."[516] Gallagher made clear that the FBI had given the Justice Department its warnings and opinion on the release of the FALN and Macheteros prisoners on numerous occasions.[517]

2. Violent escapes planned by the FALN prisoners

a. Escape plan of Oscar Lopez Rivera

Between mid-1983 and May 1986 several FALN members, a group of prisoners, and former prisoners from Leavenworth conspired to escape from Leavenworth. The mastermind of the plan was Oscar Lopez Rivera, who declined President Clinton's offer of clemency. At the time of the conspiracy, Lopez was incarcerated in Leavenworth Penitentiary. The government learned of the conspiracy through an inmate at Leavenworth and soon began monitoring the efforts of Lopez Rivera and his co-conspirators both inside and outside of prison.

While in prison, Lopez boasted that he was the Chicago leader of the FALN in a discussion with other inmates.[518] Lopez said that, *"he believed the only way he could win independence for Puerto Rico was by engaging in violent acts against private businesses and against U.S. government installations."*[519] He explained that "his people" lived in Chicago, and that he communicated with them through visits, legal mail and coded telephone calls.[520] In the same conversation, he urged the other inmates to begin their own campaign of armed struggle.[521] This discussion led the participants to conclude that it would be difficult to conduct an armed struggle while still in prison, thus the participants began to formulate an escape plan.[522]

Several weeks after the first meeting, Lopez met with one of the participants and informed him that the FALN had given him permission to participate in an escape plan and would provide a heli-

[513] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (testimony of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation).

[514] *Id.*

[515] *Id.;* see also Appendix II, letter from Dan Burton, chairman, Government Reform Committee, to Janet Reno, Attorney General (Oct. 19, 1999) (letter discusses the danger to civilians protesting on the island of Vieques).

[516] *Id.*

[517] *Id.* The FBI also noted in a draft, unsent letter to House Judiciary Committee chairman, Henry Hyde, that, "[a]s the request for pardons had been pending since 1994, the FBI was unaware that any such commutation of sentences was actually being contemplated or imminent." Exhibit 54—Letter from Louis J. Freeh, Director, FBI, to Henry Hyde, chairman, House Judiciary Committee (undated).

[518] Brief for the United States, *U.S.* v. *Delgado,* Nos. 88–1434, 88–1450, and 88–1476, at 5 (7th Cir.).

[519] *Id.* (emphasis added).

[520] *Id.*

[521] *Id.* at 6.

[522] *Id.*

copter, pilot, and some of the materials needed.[523] The plan was contingent upon one of the Leavenworth participants being released from prison, which was scheduled within a year.[524] In the meantime, between late 1984 and mid 1985, the participants met on a daily basis to discuss their plan. The final plan called for a helicopter to be flown into the Leavenworth prison yard.[525] Guards would be held off with gunfire, and the helicopters at nearby Fort Leavenworth were to be disabled with explosive devices.[526] Once out of prison, the participants would accumulate funds through robbery or counterfeiting.[527] With the funding, they *"intended to buy various explosives and firearms to use to blow up buildings and kill people."*[528] Lopez promised to bring FALN members to help train the men in their "armed struggle."[529]

Several months later, Lopez learned that a leading figure in the "armed struggle" had been arrested, and therefore the FALN would not be able to provide the weapons and explosives.[530] The co-conspirators then went to another inmate with a list of weapons they would need to get out: *"fragmentation grenades, smoke grenades, phosphorous grenades, eight M–16 rifles, two silencers, 50 pounds of plastic C–4 explosives, eight bulletproof vests, ten blasting caps to use with plastic explosives, and 100 30-shot clips for use with automatic weapons."*[531] The smoke grenades were to be used in the yard to obstruct the guards' vision, while the fragmentation grenades "were going to be used to throw against the guard tower."[532] Ostensibly, there would be guards in the guard tower who would either be killed or seriously wounded by a weapon such as a fragmentation grenade.

After some time, Lopez' contacts outside of the prison made arrangements to make an initial purchase of some of the C–4 explosives.[533] Because there was an informant working within the co-conspirators, the FBI became involved and an agent posed as a weapons dealer.[534] The FBI agent sold $5,000 worth, or 30 sticks, of C–4 to the outside contact of the FALN.[535] In mid-May 1985, Lopez was given details of the weapons purchased.[536] Lopez told his co-conspirators that he thought the "weapons dealer" was giving them a bad deal, but that *"his people" would "take care of" the weapons dealer if he had set them up*.[537]

As time passed, numerous FALN members across the country were captured. Lopez was getting and sending information through his attorneys and other visitors who would communicate through written notes taken from the prison by Lopez' attorneys or paralegals.[538] Lopez had to change his escape plans several times and

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[523] *Id.*
[524] *Id.*
[525] *Id.* at 7.
[526] *Id.*
[527] *Id.*
[528] *Id.* (emphasis added).
[529] *Id.*
[530] *Id.* at 7–8.
[531] *Id.* at 8 (emphasis added).
[532] *Id.*
[533] *Id.* at 11.
[534] *Id.*
[535] *Id.* at 15–16.
[536] The "weapons dealer" was actually an undercover FBI agent. *Id.* at 16.
[537] *Id.* (emphasis added).
[538] *Id.* at 17.

informed his co-conspirators on the outside, through a letter smuggled out by his attorney, that the FALN would not be able to provide the weapons or helicopter training.[539]

In May 1986, Lopez sent a letter to a co-conspirator (at that time the co-conspirator was cooperating with the government), giving him the name of a new weapons dealer.[540] The co-conspirators, including Lopez, agreed that if the weapons dealer did not meet their price, he should be killed and the weapons stolen.[541] At the end of May, Lopez was visited by an FALN contact, and the two, communicating through writing, discussed the escape attempt.[542] After the visit, the government seized the communications and foiled the plot.[543]

Lopez and his co-conspirators were charged with:

- Committing a multi-goal conspiracy to effect the escape of several inmates from the Leavenworth Federal Penitentiary.
- Committing a multi-goal conspiracy to transport explosives with the intent to kill and injure people.
- Committing a multi-goal conspiracy to use explosives to destroy government buildings and property.

Lopez' probation officer's assessment of him was:

> His level of remorse, rehabilitation and positive regard for this court's process is minimal, if not nonexistent. He demonstrates a sustained, consistent commitment to the use of violence and weapons. He will use any means to gain freedom for the purpose of undermining the principles of the United States government. He has already determined that human life is expendable for this purpose. He will not be an inactive influence on the FALN while incarcerated.[544]

The Government stated in its sentencing recommendation:

> Oscar López is beyond rehabilitation. He has shown nothing but contempt for the judicial system and the lives of his fellow citizens. He has adopted a philosophy to rationalize and justify every act of violence and criminality he commits. In this regard, he is a particularly dangerous individual whose commitment to his cause guarantees a continued and real threat to the lives and well being of all persons who find themselves in his way.[545]

In February 1986, López was interviewed regarding his participation in the "struggle" for Puerto Rico's independence:

> I would consider myself a freedom fighter. Ah, it could be argued that somebody's terrorist is somebody else's freedom fighter. Our struggle is a just struggle, and because it's a just struggle, we have the right to wage it by any . . . ah . . . means necessary, including armed struggle. . . . We can anticipate more violence. People are not going

[539] *Id.*
[540] *Id.* at 26.
[541] *Id.*
[542] *Id.* at 27.
[543] *Id.*
[544] Presentence report of Oscar López at 120042.
[545] *Id.* at 120054.

> to sit idle and, ah, wait for the oppression to continue. Ah, as long as the conditions do not improve ah, yes there is that, ah, outlet for violence. A bombing or any type of armed action is worth study. It's not something that, ah, is, is spontaneous. Ah, all the factors, human lives are taken into consideration.[546]

Lopez was found guilty and sentenced to 15 years, to run consecutively with the prison sentence he was already serving.

When testifying before the Committee, the Assistant Director for Correctional Programs at the Bureau of Prisons, Michael Cooksey, spoke about Oscar Lopez. Cooksey testified that Oscar Lopez' escape plans were indeed violent.[547] In fact, Oscar Lopez was considered one of the most dangerous criminals in the Bureau of Prisons system, and was sent to the highest security prison in the United States.[548] During the hearing, the FBI, Bureau of Prisons, and Justice Department all testified that they had never told the White House that Oscar Lopez was not violent.[549] Nevertheless, the White House continued to represent to the public that the individuals granted clemency had never been involved in violent acts.

b. Escape plans of Ricardo Jimenez

Officers at the Federal Correctional Institution in Otisville, NY were conducting a routine "shakedown" of the prisoners cells on October 11, 1985. When they searched FALN member Ricardo Jimenez' cell they found the following:

> Exhibit 1: a plastic architectural drawing (3″×5″) which depicts the entire Otisville facility as seen from the air; appears to have been produced in UNICOR; found taped to bottom of inmate's desk.
>
> Exhibit 2: FALN-related material (three newspapers).
>
> Exhibit 3: two informational fliers concerning individuals of Puerto Rican descent currently incarcerated at various facilities.[550]

Jimenez was present during the search, and when he became aware that the officers had found the materials, he attempted to flee.[551] As he was already in prison, he did not get far.

Through informants, the officers at Otisville were able to determine that the FALN was planning to break into the prison to free Jimenez and "pre-trial Puerto Ricans" who were being held at Otisville at the time.[552] Jimenez had paid another prisoner who was able to leave the prison on furlough to take information outside the prison such as "site plans of the institution layout; information about the perimeter security; and details of perimeter secu-

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[546] *Id.* at 120064.

[547] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (testimony of Michael B. Cooksey, Assistant Director for Correctional Programs, Bureau of Prisons).

[548] Lopez was incarcerated at both the Marion and Florence, CO maximum security facilities. *Id.*

[549] *Id.* (testimony of Michael B. Cooksey, Assistant Director for Correctional Programs, Bureau of Prisons; testimony of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation; testimony of Jon Jennings, Acting Assistant Attorney General for Legislative Affairs).

[550] Memorandum from Jerry Brookmole, Captain to Ken Willicki, SIS (Oct. 21, 1985). Department of Justice production 10180032–10180035, at 10180032.

[551] *Id*

[552] *Id.* at 10180033–10180034.

rity vehicle activity."[553] A confidential informant supplied officials with the following details:

> Twenty-five to Thirty (25 to 30) people will be involved, coming from the outside to implement the escape plan. They will approach from the road that leads from the sewage treatment plant. *They will be heavily armed with automatic weapons, grenades, and dynamite.* Half of the group will come to the front of the parking lot to create a diversion. The other half will come up from the sewage treatment plant area and blow a hole in the fence. The primary target will be to get Jimenez and the Puerto Ricans out of segregation. It will be a total takeover and all other inmates who wish to break for the fence will be permitted to do so.
>
> Plans of the institution have already been sent to New York where the weapons and individuals are located. The woods leading to the back of Units 1, 2, and 3 have already been staked out three to six weeks ago. The perimeter vehicles will be taken out immediately because they know this is the only fire power we have.
>
> *There is a hit list established identifying particular staff who they will kill on sight if seen.* The informant knew of only one staff member on the list, namely, Lt. Asuega.[554]

Prison authorities confirmed that a guard checking the prison perimeter approximately 6 weeks earlier had reported people with flashlights in the woods behind the prison.[555] The following day, guards had found footprints in the area.[556]

It is apparent from the description of both the Lopez and Jimenez escape attempts that the two remained in contact with FALN members outside of prison and were kept abreast of current FALN events. Their escape plans were extremely violent and did not take into account possible loss of life, and in fact, planned on it. Lopez intended to attack the guard tower, and Jimenez had a "hit list" for guards.

C. THE FALN AND MACHETEROS MEMBERS OFFERED CLEMENCY EXPRESSED NO REMORSE, NOR DID THEY EXHIBIT ANY SIGNS OF REHABILITATION

An important aspect of any grant of clemency should be the remorse or repentance of the petitioner for the crimes he committed. There is no evidence of repentance with the FALN and Macheteros terrorists. The Office of the Pardon Attorney even worked with supporters of clemency to find remorse on the part of the prisoners. During a November 5, 1997, meeting with Representatives Gutierrez, Serrano, and Velazquez, Deputy Attorney General Holder asked that they get a written statement from the prisoners on how they had changed and whether they were repentant.[557] Five months later, OPA had not received any statement. Ultimately, Pardon Attorney Adams had to call Representative Gutierrez' office

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[553] *Id.* at 10180033.
[554] *Id.* at 10180034.
[555] *Id.*
[556] *Id.*
[557] Exhibit 47—Notes from Nov. 5, 1997, meeting between Deputy Attorney General Holder and Representatives Gutierrez, Serrano, and Velazquez.

and request the statement.[558] Finally, on April 9, 1998, the Pardon Attorney spoke with Enrique Fernandez of Representative Gutierrez' office.[559] Fernandez told Pardon Attorney Adams that the prisoners would "send separate, though identical, statements."[560] It is clear from the fact that the prisoners' statements were identical that the prisoners did not truly feel remorse. A group statement tends to defeat the idea of personal remorse or repentance. Fernandez also warned that the statement would probably not be what the Deputy Attorney General had asked for in his meeting:

> It is unlikely to show "repentance" as Mr. Fernandez said the persons have said—and this may be the gist of the statement—that they cannot participate in the current political process of the U.S. with respect to its relationship to PR—although they have no quarrel with the U.S. Constitution and laws with respect to matters in the U.S. . . . Anyway, he said that his Congressman is very confident they will not "do it again, bombs and stuff like that."[561]

In fact, the statement from the prisoners reflected no remorse, repentance or change in beliefs on the part of the FALN prisoners.[562]

In their statement, the prisoners blamed the U.S. Government for their actions. Describing the decades of the 1970's and 1980's, the statement claimed:

> During those years the criminalization of independence and systemic harassment of supporters of independence and their sympathizers was official government policy, out of which grew COINTELPRO. In Puerto Rico and the United States, the government targeted supporters of independence, including the unconstitutional practice of creating dossiers and conducting surveillance of over 100,000 innocent people, dubbed "subversives," merely because they believed in independence. . . .
>
> It is within this totality of circumstances, with all other avenues for exercising self-determination foreclosed, that a group of individuals decided to resort to exercise the right of self-determination due all nations, and, concretizing the right accorded by international law to all colonial subjects to use all means at their disposal, waged a struggle against colonialism.[563]

The letter acknowledges that the prisoners might now deign to participate in the political process to work toward independence for Puerto Rico. Yet the prisoners continue to refuse to acknowledge their personal participation and culpability. Many of the individual prisoners have made unofficial statements regarding their participation in the "independence movement" that tend to show that

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[558] Notes of telephone call from Roger Adams, Pardon Attorney, to Doug Scoffield, chief of staff to Representative Gutierrez (undated). Department of Justice production 1041926. (Exhibit 81).

[559] Notes of telephone call from Roger Adams, Pardon Attorney, to Enrique Fernandez, staff to Representative Gutierrez (Apr. 9, 1999). Department of Justice production 1041899. (Exhibit 82).

[560] *Id.*

[561] *Id.*

[562] Exhibit 49—Facsimile from Roger Adams to Dawn Chirwa, with attachment of statement from the prisoners (Apr. 21, 1998).

[563] *Id.*

they have no remorse, and in fact continue to be proud of their actions.

1. Statements of Oscar López

In the summer of 1995 Oscar López made a statement for the use of "Libertad!" which was the publication of a group of pro-clemency supporters. Lopez wrote, "I define myself as a Puerto Rican, with a right to struggle for the liberation and dignity of my people using *any means necessary.*"[564] Later, in May 1998, Lopez was interviewed for the San Juan Star. Lopez told the reporter, "I cannot undo what's done. The whole thing of contrition, atonement, I have problems with that."[565] He continued, "I have no regrets for what I've done in the Puerto Rico independence movement. The onus is not on us. The crime is colonialism."[566] Lopez was asked whether he and his former "comrades" would accept a Puerto Rican plebiscite on the issue of Puerto Rican independence or statehood. He responded that they would accept a plebiscite, but would react violently if they found that it had been "rigged against them."[567] However, Lopez added, "[i]f annexation [statehood] is the answer, I would say there would be a good number of Puerto Ricans who would advocate and practice armed struggle." Finally, if asked whether he would remain an active independentista if he were freed from prison, after a long pause Lopez responded, "I cannot stop being a Puerto Rican. I cannot be anything but a Puerto Rican."

It is obvious that López has no remorse for his actions, nor does he understand that his acts were wrong, not just legally but morally. The group to which he belonged detonated bombs around major metropolitan centers to draw attention to the group's beliefs. Those bombs caused the deaths of numerous people. He deserved to be in prison. However, true to his beliefs, Lopez refused to renounce violence or submit to the conditions of the President's offer of clemency, and rejected the offer.

2. Statements of Edwin Cortés

FALN member Edwin Cortes also wrote a summer 1995, statement for the Libertad! publication. In it he discusses his struggle on whether or not to apply for parole:

> I originally considered appearing before the parole board, based in part on my discussions with other POWs and sectors of the independence movement who believe that parole should not be ruled out as a form of struggle in the campaign for our freedom. My intentions were to embrace all political/legal avenues available under international and US laws including Parole, Presidential Amnesty/Pardon/Commutation, the United Nations, OAS, the World Court, etc. [sic] in order to become an active political subject in the campaign to free al [sic] Political Pris-

[564] Statements of the FALN and Los Macheteros members in Libertad!, a publication of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners (summer 1995) http://www.prisonactivist.org/pubs/libertad/ (emphasis added).
[565] *Imprisoned FALN Leader Claims No Regrets,* San Juan Star, May 10, 1998.
[566] *Id.*
[567] *Id.*

> oners and Prisoners of War. The organizing work done around the Parole Board could also be part of a multi-prong political/legal strategy to expose the contradictory and politically biased parole process as it relates to political activists. As well as to organize, educate and mobilize our community toward the freedom of Political Prisoners and Prisoners of War.
>
> I have an inalienable human right to rid my nation of colonialism, and remain committed to being a protagonist in the struggle for national independence and the freedom of all Puerto Rican patriots.[568]

Again, his statements do not show remorse. Cortés insists that he is a "political prisoner" or a "prisoner of war." What he does not take into account is that there was no war. The FALN conducted their own guerrilla actions in the United States. The FALN did not and still does not have the support of the majority of Puerto Ricans living in Puerto Rico.[569] He and other members of the FALN and Macheteros continue to insist that they are not to blame for their own actions.

3. Statements of Adolfo Matos

After the FALN and Macheteros prisoners were granted clemency, the Bureau of Prisons began to review prior taped conversations of the prisoners. A correctional officer called an April 15, 1999, tape of FALN member Adolfo Matos to the attention of his supervisors because of the statements he made. Matos was speaking to a woman in Puerto Rico named "Lydia":

> MATOS. To give my life for something I believe in, something that's not for personal gain. I liked helping people, anybody, you know. For the justice of my people. In this manner I get involved. And my desire has gotten stronger, to the point where I want to continue. Continue to fight and get involved with my people, because I love them.
>
> LYDIA. And what about what Carlos said? If the prisoners were to ask for a pardon, it would all be different. Are you willing to ask for a pardon?
>
> MATOS. No. I don't have to ask for forgiveness from anybody. Look it's like the song says . . .
>
> LYDIA. Aren't they recording?
>
> MATOS. No, I don't care, it's like that song by . . .
>
> LYDIA. Don't you feel ashamed of it?
>
> MATOS. No, no, no, my love, I have nothing to be ashamed of, or feel that I have to ask for forgiveness. I don't have to ask for forgiveness because my conscience is at peace with itself. You see, it's a question of rights[.][570]

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[568] Statements of the FALN and Los Macheteros members in Libertad!, a publication of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners (summer 1995) http://www.prisonactivist.org/pubs/libertad/.

[569] In fact, less than 3% of Puerto Ricans voted for independence from the United States in the last plebiscite.

[570] Memorandum from J.M. Guerrero, correctional officer, Lompoc Penitentiary, to G. Bondurant, Special Investigative Agent (Sept. 7, 1999). Department of Justice production 10120001. (Exhibit 83).

It is vividly clear from his statements that Matos feels no remorse for his action.

4. Statements of Antonio Camacho-Negrón

Bureau of Prisons officials also reviewed the telephone calls of Macheteros member Antonio Camacho-Negrón.[571] After reviewing the calls, the officials found that the content of the calls were a "good indication he is persistent with supporting his dissident cause."[572] Officials called attention to one call in particular, where he had the following exchange with FALN attorney Jan Susler:

> SUSLER. During the conference we spoke about renouncing the violence.
>
> CAMACHO. The circumstances have changed.
>
> SUSLER. They agreed that they weren't going to go back to the armed struggle.
>
> CAMACHO. We don't have to accept that in a written form. We cannot (politically) renounce the armed struggle totally.
>
> SUSLER. Let's talk more about this when we meet again.[573]

In an August 25, 1999, telephone conversation, Camacho "mentions the struggle his group is in and it could not continue unless the use of arms was employed."[574] In earlier telephone calls, Camacho-Negrón indicated that he would accept the President's offer of clemency if it was given without conditions.[575] Finally, during an August 20, 1999 telephone conversation Camacho-Negrón was discussing the $100,000 fine he received when convicted for his activities relating to the Wells Fargo robbery. Camacho-Negrón indicated that, "he did not acknowledge the fine because of his political affiliation, and his stand against the government."[576] After reviewing his statements, it is hard to imagine a poorer candidate for clemency. President Clinton did not offer to commute Camacho-Negrón's sentence because he remains eligible for mandatory release, should he choose to abide by the conditions imposed. However, the President did offer to remit the fine, which Camacho-Negrón rejected.

5. Statements of Ricardo Jiménez

FALN member Ricardo Jiménez accepted President Clinton's offer of clemency. After he was released from prison, he appeared on the political talk show, Meet the Press, on September 12, 1999.[577] The host of the program asked Jiménez whether he had any regret or remorse for the crimes of which he had been convicted.[578] Jiménez replied, "I think basically what we have to know, that what we were charged with, if it was anybody else,

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[571] Memorandum from Jake Mendez, warden, FCI Allenwood, to David M. Rardin, Regional Director, Bureau of Prisons, with attachment (Sept. 8, 1999). Department of Justice production 10120012–10120013, at 10120012. (Exhibit 84).

[572] *Id.*

[573] *Id.* at 10120013.

[574] "Investigator's Report Regarding Camacho-Negrón." Department of Justice production 10120016–10120017, at 10120016. (Exhibit 85).

[575] *Id.*

[576] *Id.* at 10120017.

[577] Meet the Press (NBC television broadcast, Sept. 12, 1999).

[578] *Id.*

would have served—would have served much, much less time. Those sentences would have not been consecutive the way they were. . . ."[579] When asked whether he had any remorse for the bombings, especially those in which people were killed or injured, Jimenez responded, "No. I think all precautions were taken—you know, to make sure that all human life was preserved. And in the end . . . the measures were not taken by the people who owned those establishments."[580] It is clear that Jimenez, like the others, has no remorse for the FALN actions. What is even more disturbing is that he places the blame on the owners of the businesses bombed by the FALN. The bomb that exploded in Fraunces Tavern in January 1975 was set to detonate during the busy lunch hour, when the restaurant was most crowded. It is offensive that he blames the restaurant, and his comments show that he was a poor candidate for clemency.

6. The exception: Alberto Rodríguez

There is an exception to the lack of remorse on behalf of the FALN and Macheteros members. Alberto Rodríguez issued a statement in February 1995, renouncing the activities that led to his conviction. He stated:

> I now recognize that many of the assumptions that guided my actions over twelve years ago were simply wrong. I sincerely believed that the majority of Puerto Ricans desired independence from the United States, and that the only thing keeping the island from achieving its independence was the power of the United States Government. . . .
>
> I realize that violence to achieve independence is neither realistic nor right. . . .
>
> Most specifically, I disregarded the consequences that my conduct would have had on others. I took violence lightly over a decade ago, and regret that. While all of the FALN bombings that were charged as part of the seditious conspiracy took place before I became involved, I take responsibility for my cavalier attitude towards violence and willingness to use it.[581]

FALN member Carmen Valentín responded to Rodríguez' renunciation, stating, "only a desperate, crazed person would take such steps."[582] She added, "I apologize for his lack of integrity, honesty, vision. This is unacceptable behavior. I do not wish to stand near him in this struggle and demand that he be dubbed a persona non grata in our movement for liberation and in our campaign for amnesty, freedom."[583] It is clear from Valentín's statements in the spring of 1995, that she had no remorse for the crimes committed by FALN members, and in fact, had contempt for those that did express remorse.

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[579] *Id.*
[580] *Id.*
[581] "Statement of Alberto Rodríguez" (Feb. 2, 1995). Department of Justice production 005507–00512, at 00507–00509.
[582] Statements of the FALN and Los Macheteros members in Libertad!, a publication of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners (spring 1995) http://www.prisonactivist.org/pubs/libertad/.
[583] *Id.*

Although it is not clear whether Alberto Rodríguez would have been the best candidate for clemency regardless of the campaign to grant clemency to the FALN members, at least he recognized that his past actions were wrong and expressed remorse for his acts. The same certainly cannot be said for his fellow FALN members.

D. NO COOPERATION WAS REQUESTED OR OFFERED FROM THE FALN AND MACHETEROS MEMBERS

There are numerous unsolved crimes about which the members of the FALN and Macheteros terrorist organizations could have provided information. In addition to unsolved bombings that occurred in both the United States and Puerto Rico, there were numerous robberies that were attributed to the groups, but never proven. Just one example is the January 1975 bombing of the historic Fraunces Tavern in New York City that killed four people. The families of the victims would like to see someone punished for the heinous crimes committed. When asked about unsolved crimes attributed to the two terrorist groups, FBI Assistant Director for National Security, Neil Gallagher, mentioned that individuals associated with the Macheteros' $7.2 million armored car robbery in Connecticut remained fugitives, in addition to open investigations of the more recent bombings in Puerto Rico.[584]

During the hearing, Gallagher was asked whether any of the conditions of the grant of clemency included cooperating with law enforcement. He stated that the FBI was not asked whether it wanted to question the prisoners, and therefore never had the opportunity. It is of great concern to the Committee that there was absolutely no requirement that the prisoners speak to law enforcement regarding open investigations for which they may have had valuable information. At the very least, they could have provided some answers to the questions of the victims of FALN and Macheteros crimes. However, as with all of the other phases of this particular grant of clemency, the victims were never considered.

VI. THE CLEMENCY DECISION AND THE U.S. COMMITMENT TO FIGHTING TERRORISM

The decision to offer clemency to the 16 FALN and Macheteros terrorists has ramifications that go beyond the typical dangers posed by the release of violent criminals back into society. First, this is the first time in the history of the United States that clemency has been offered to such a large number of individuals who are all members of like-minded terrorist organizations. The President's failure to require cooperation to solve numerous unsolved murders, coupled with the failure to require any type of contrition by the individuals or the group, sends a message that an *organization* has received preferential treatment. This is troubling because terrorist organizations do not necessarily act in a rational manner and might indeed be encouraged by a group being singled out for preferential treatment. As Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation, testified before

[584] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (1999) (testimony of Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigation).

the Committee on Government Reform on September 21, 1999: "The challenge before us is the potential that the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world." [585]

A related concern is how this decision will impact our relations with foreign governments. Eliminating terrorist groups and initiatives requires foreign governments to cooperate with U.S. law enforcement initiatives. The decision to grant clemency to the FALN and Macheteros terrorists sends a clear message that our demands for severe punishment, and our willingness to mete out severe punishment, can be hollow. Of greater significance, it sends a message of encouragement to terrorists themselves. Although supporters of the clemency decision, and the President himself, often point to President Carter's decision to exercise clemency to individuals who attempted to assassinate President Truman and Members of Congress, this is hardly a good model to follow.[586]

Another area of concern is the intellectual inconsistency inherent in the rationale for the decision. When the United States decided to strike at the terrorist organization of Osama bin Laden, the President did not target only those proven to have committed acts of violence. He struck at the organization as a whole, and he presumably did so because all members were deemed to be responsible for the atrocities committed against others. Similarly, when Terry Nichols, the co-conspirator in the Oklahoma City bombing that killed 168 individuals, was given a life sentence without the possibility of parole, the President did not deplore the sentence. Thus, the White House has used a very different standard for the FALN terrorists than the standard used in statements or actions that are directed at other terrorist organizations.

Finally, this section draws attention to the very curious repatriation of terrorist Silvia Baraldini to Italy. This decision was finalized within 2 weeks of the decision to offer clemency to the 16 FALN members. This is particularly curious because Baraldini herself had been involved with the FALN cause and its members.

A. THE INTERNATIONAL MESSAGE

Simply put, the President's decision to release U.S. terrorists has seriously eroded this country's moral authority to require other countries to deal firmly with terrorist organizations. By offering the 16 FALN and Macheteros terrorists a lenient deal, the President has undercut our ability to require other countries to crack down on terrorist groups that threaten the safety of Americans at home and abroad. Once lost, it is difficult to recapture the moral high ground.

The U.S. Government spent approximately $50 million in the 1970's and 1980's to put an end to FALN and Macheteros violence.[587] Indeed, the convictions of those recently offered clemency

[585] Exhibit 17—Draft FBI statement.

[586] The rationale for one of President Carter's grants of clemency was that the inmate had a terminal illness. There is no analogous situation with the 16 terrorists recently offered clemency.

[587] Interview with Marlene Hunter, Assistant Special Agent in Charge (San Juan, Puerto Rico), Federal Bureau of Investigation (Oct. 7, 1999).

led to the end of most of the FALN terrorist activities in the United States. The recent decision, however, sends a different message about terrorist organizations, particularly because the clemency appears to be directed more at a group than at individuals. As the FBI made clear in a written statement prepared for the Committee's September 21, 1999, hearing:

> The FALN and Macheteros terrorist groups continue to pose a danger to the US. Government and to the American people, here and in Puerto Rico. . . . The challenge before us is the potential that the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world.[588]

In a statement made last year before the Senate Select Committee on Intelligence, FBI Director Freeh had this to say about Puerto Rican terrorist groups:

> Although the last terrorist incident involving Puerto Rican terrorist groups was a bombing in Chicago in December, 1992, these groups continue to be of concern. Between 1982 and 1994, approximately 44 percent of the terrorist incidents committed in the United States and its territories are attributed to Puerto Rican terrorist groups. Efforts are continuing to locate fugitives still at large from these incidents.
>
> Puerto Rican terrorist groups believe the liberation of Puerto Rico from the United States justifies the use of violence to obtain that objective. These groups characterize their terrorism activities as "acts of war" against invading forces and, when arrested, they consider themselves to be "prisoners of war" who must be treated as such according to the Geneva Convention. Clandestine behavior and security are of utmost importance in these group's activities.[589]

It is particularly disturbing that the White House has not offered a response to this analysis. If the President was privy to information that casts doubt on this assessment, it should be shared with the public. In the absence of the White House addressing the FBI's concerns, however, Congress and the American people are left with the impression that the President simply ignored this concern.

Another matter of concern is the seeming confusion within the administration about whether the President's actions have any international ramifications. The following exchange between journalist Tim Russert and National Security Adviser Berger illustrates this point:[590]

> RUSSERT. The President did not seek your advice on this?

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[588] Draft statement of Neil Gallagher. (Exhibit 17).

[589] *Threats to National Security.* Hearing before the Senate Select Committee on Intelligence, 105th Cong., 2nd Sess. (Jan. 28, 1998) (testimony of Louis J. Freeh, Director, Federal Bureau of Investigation).

[590] Meet the Press (NBC television broadcast, Sept. 19, 1999).

> BERGER. This is not—again, I do foreign policy. Puerto Rico is not an issue that comes within the jurisdiction of the NSC.

As is obvious from this exchange, Mr. Berger is attempting to convey the impression that the President did not seek his advice. Notwithstanding this public representation, in a handwritten note just 2 months before this exchange, the President asked Berger: "What about the prisoners[?]"[591]

Notwithstanding Mr. Berger's attempt to either avoid the question or mislead the audience, Berger himself had stated the previous year: "Terrorism is not just [a] law enforcement or domestic issue. It's a national security and foreign policy issue."[592] Thus, there appears to be great confusion in the administration about whether terrorism within the United States has any international ramifications. When the political results for this administration are negative, Mr. Berger argues that domestic terrorism is not a matter within the jurisdiction of the National Security Council. When speaking under different circumstances, however, it appears that Mr. Berger's message could not be more different, and he clearly states that terrorism is a national security issue and it is a foreign policy issue. This vacillation sends an unfortunate message to terrorist organizations and to the foreign governments that must respond to terrorist organizations. It also makes it appear that the U.S. Government somehow distinguishes U.S. terrorists from other nations' terrorists.

B. AN INCONSISTENT POLICY ON DEALING WITH TERRORISTS

At the time that the controversy over the clemency offers was at its most pronounced, National Security Adviser Sandy Berger appeared on television to defend the President's decision. Nowhere is the inconsistency in the administration's policy more apparent than in his statements. After pointing out that "these people have served between seventeen and nineteen years," and after misrepresenting that they were not "personally involved in violence," Mr. Berger says that he finds the President's explanation "perfectly reasonable." Mr. Berger then goes on, however, to explain that the administration's record against terrorists "is the strongest of any President in history." To establish this claim, he points to the apprehension of the World Trade Center bombers and the fight against those who allegedly destroyed the two United States embassies in Africa in 1997. Thus, he seeks credit for a strong response against the terrorist organizations that have recently committed acts of violence and he downplays the need for a harsh response where the FALN is concerned.

This approach to the FALN matter was used by the President when he stated that none of the FALN terrorists "had been convicted of doing bodily harm to anyone."[593] Yet this was far from the standard used when dealing with the terrorist activities of Osama bin Laden or the World Trade Center bombers. In the case

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[591] Handwritten note from President William J. Clinton, to Samuel Berger, National Security Adviser. (Exhibit 86).

[592] Meet the Press (NBC television broadcast, Sept. 19, 1999).

[593] President William J. Clinton, press conference (Sept. 9, 1999).

of the U.S. strike against Osama bin Laden, military aircraft dropped bombs specifically to kill members of the terrorist organization. There was no constitutional due process, nor was there an attempt to target only those who had committed violent acts. Rather, the President ordered a raid designed to disable the organization by killing its members. On the other hand, the FALN and Macheteros terrorists did receive due process of U.S. law and were sentenced accordingly. There appears to be no reason to undercut what the courts did, particularly where the President believes that, in other circumstances, U.S. legal due process is irrelevant.

In the case of the prosecutions and convictions of the World Trade Center bombers, some of those given lengthy prison sentences did not literally commit acts of violence. For Congress, for most Americans, and certainly for international observers, it is difficult to understand why FALN terrorists should not serve their full sentences, when it is acceptable to deploy missiles against the followers of Osama bin Laden or seek long sentences for some of the World Trade Center conspirators. This is particularly true given the fact that none of the 16 terrorists offered clemency showed any contrition for their activities, nor did they provide any cooperation to solve the numerous crimes that remain unsolved.

In short, the President appears to be using a standard to justify his decision to offer clemency to the 16 terrorists that has not been used with other terrorist organizations. Leaving aside the mischaracterization as to whether these terrorists are actually nonviolent, the American people, and the international community, is left to ponder why some terrorists are given favored treatment. There appears to be, given the information that has been made available to date by the White House, no rational explanation for this inconsistency.

C. REPATRIATION OF AN FALN SYMPATHIZER TO ITALY [594]

In 1984, Silvia Baraldini, an Italian national who had lived in the United States since 1961, was sentenced to 43 years in prison and fined $50,000 for terrorist crimes linked to radical political groups, including the FALN, "the Family" and the May 19 Communist party.[595] Her crimes included conspiracy and racketeering connected to armed robberies, as well as kidnapping and contempt of court.[596] The robberies were conducted to help finance terrorist activities within the United States.[597]

The contempt of court conviction was based on Baraldini's refusal to testify about her involvement with the FALN before a Federal grand jury investigating four Wall Street bombings that occurred on February 28, 1982.[598] Baraldini had the only carbon copy of an FALN communique claiming responsibility for the bombings and the original communique was found inside a telephone booth four blocks from her apartment.[599] The attacks, which occurred at the New York Stock Exchange, the American Stock Exchange, the

[594] A full explanation of this issue can be found at Appendix III.
[595] *Baraldini* v. *Thornburgh,* 884 F.2d 615, 616–617 (D.C. Cir. 1989).
[596] *Baraldini* v. *Meese,* 691 F. Supp. 432, 433, 436 (D.D.C. 1988).
[597] Denise Lavoie, *Italian Radical Moved to New York in Preparation for Return,* the Associated Press, Aug. 19, 1999, PM cycle.
[598] *Thornburgh,* 884 F.2d at 617.
[599] *Regional News, New York,* United Press International, Mar. 21, 1983, AM cycle.

Chase Manhattan Bank, and Merrill Lynch,[600] gravely injured three police officers.[601]

On August 24, 1999, the Justice Department announced Baraldini's transfer to Italy under the terms of the Strasbourg Convention.[602] This transfer occurred less than 2 weeks after President Clinton's August 11, 1999, clemency offer to the 16 FALN and Macheteros terrorists. Although Baraldini is scheduled to serve the remainder of her U.S. prison sentence under similar conditions of incarceration in Italy,[603] there are already indications that Italian authorities have been lax in enforcing the agreed to terms.[604] As with the offers of clemency to the 16 United States-citizen FALN and Macheteros members, the Committee is concerned that this Italian-born FALN conspirator has been given lenient treatment. The Committee is also concerned that Baraldini was given preferential treatment even though she failed to cooperate with U.S. law enforcement.

VII. The Justice Department's Decision To Prevent the FBI From Submitting an Opening Statement

On September 21, 1999, the Committee held a hearing regarding the President's grant of clemency to members of the FALN and Macheteros terrorist groups. In accordance with its rules, the Committee asked the Federal Bureau of Investigation to provide a written copy of its opening statement 24 hours prior to the hearing. Specifically, the FBI was requested to comment on historical activities of the FALN and the Macheteros, and to provide an assessment of their current terrorist capability.

The day before the hearing, the Committee learned that the Department of Justice had denied the FBI permission to submit its written statement. In response to this information, Committee Chairman Dan Burton wrote to Attorney General Reno that day requesting that the Justice Department not prevent the FBI from submitting its written statement. Chairman Burton wrote:

> As you know, the President has asserted executive privilege over records relating to his clemency decision. The

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[600] *Thornburgh,* 884 F.2d at 617.

[601] *Two More Found Guilty for Refusing to Talk in FALN Inquiry,* N.Y. Times, Jan. 21, 1984, at A1.

[602] See Department of Justice statement regarding the transfer of Silvia Baraldini (Aug. 24, 1999) at Appendix III, Exhibit 1.

[603] Letter from Oliviero Diliberto, Italian Minister of Justice, to Janet Reno, United States Attorney General (July 28, 1999).

[604] As part of the transfer, Italy agreed to Baraldini's United States' conditions of confinement, including "that whenever she is transported outside the prison, she must be handcuffed with a waist chain attached to the handcuffs." Letter from Oliviero Diliberto, Italian Minister of Justice, to Janet Reno, United States Attorney General, (July 28, 1999) (see Appendix III, Exhibit 4); letter from James K. Robinson, United States Assistant Attorney General, to Giorgio Lattanzi, General Director, Penal Affairs, Italian Ministry of Grace and Justice, including Appendices A and B (May 25, 1999) and letter from James K. Robinson, United States Assistant Attorney General, to Giorgio Lattanzi, General Director, Penal Affairs, Italian Ministry of Grace and Justice, including Appendices A and B (revised) (June 4, 1999) (see Appendix III, Exhibit 5 at 000014). Regardless of these conditions, during the Aug. 25, 1999, transfer flight from the United States to Italy, which was conducted on the Prime Minister of Italy's private jet, Baraldini "complained that U.S. prison officials had put her in chains." *Prisoner Welcomed Home,* Palm Beach Post, Aug. 26, 1999, at 9A. The Italian guards obviously answered her complaints because Baraldini descended from the plane in Italy "unrestrained" and "[w]ithout handcuffs." *Id.;* Jorge Pina, *Rights-Italy: Baraldini Returns After 17 Years in U.S. Jails,* Inter Press Service, Aug. 25, 1999. Although this may be a small point, it does not bode well for adherence to the agreement between the United States and Italy.

> President's decision has prevented the Committee and the public from determining any of his reasons for granting clemency.
>
> However, the Committee's hearing will examine important issues relating to the threat posed by the FALN both in the past, and in the present. Accordingly, I expect that most of Assistant Director Gallagher's testimony would not have touched on issues covered by executive privilege.[605]

The view of the chairman was confirmed by Neil Gallagher, who on September 21, 1999, testified as follows regarding his written statement:

> I had a statement that was prepared for testimony before another committee approximately a week and a half ago. I attempted to cover several different areas with respect to this issue, one of which addressed the FBI's role and response to the clemency process. We sent that statement over to the Department of Justice. A determination was made that that portion of the statement was covered by executive privilege. At first it was held back because it was being resolved, and we were eventually told it was covered by executive privilege.[606]

Apparently, by the time Assistant Director Gallagher testified at this Committee's September 21, 1999, hearing, the Department of Justice had already determined which portions of his statement were covered by executive privilege, and had informed Gallagher of its determination. Nevertheless, the Justice Department still failed to provide the Committee with a redacted version of the statement. Ultimately, the Committee was forced to issue a subpoena to the Justice Department in order to get the redacted statement. The statement was produced, pursuant to subpoena, on September 23, 1999.[607]

Upon reviewing the statement, it was apparent that only a very small part of the statement was covered by executive privilege. It is disappointing that the Justice Department would not work to accommodate a congressional committee in anticipation of a hearing. In addition, it is unfortunate that the Committee was forced to resort to obtaining a document by subpoena which should have been provided voluntarily. Furthermore, when this matter was brought to the attention of the Attorney General, she made no effort whatsoever to provide the statement—even though there were no outstanding issues to resolve and it would have been relatively simple for her staff to transmit the statement to this Committee.

CONCLUSION

The President of the United States has the power to free any Federal prisoner. With this power comes great responsibility. The President should not mislead the American people as to why he has exercised his power. This is what he appears to have done.

---

[605] Letter from Dan Burton, chairman, Committee on Government Reform, to Attorney General Janet Reno, (Sept. 20, 1999), at 1. (Exhibit 87).

[606] *Clemency for the FALN: A Flawed Decision?* Hearing before the House Committee on Government Reform, 106th Cong., 1st Sess. (Sept. 21, 1999) (remarks of Neil Gallagher).

[607] Exhibit 17—Draft FBI statement.

In the case of the clemency offer to the 16 FALN and Macheteros terrorists, the President has yet to provide a full and accurate explanation of his actions. The many inconsistencies between fact and the President's public positions create a presumption of impropriety. The President purposefully misrepresented facts, or facts were withheld from him. Either possibility is unacceptable.

The Committee believes that the President should withdraw his claim of executive privilege. The American people should be able to see for themselves what advice was given to the President, whether the safety of the American people was taken into account, and whether political considerations beyond those identified in this report played any part in the ultimate decision.

The Committee also finds that the offer of clemency to unrepentant terrorists who have done nothing to discourage violence or solve unsolved crimes diminishes our moral authority in the fight against international terrorism. The appearance that the United States is willing to undercut its own legal system in response to political pressure is an unfortunate precedent.

[The documents referred to follow:]

U.S. Department of Justice

Pardon Attorney

EXHIBIT 1

Washington, D.C 20530

APR 4 1997

Jan Susler, Esq.
1180 North Milwaukee
Chicago, Illinois 60622

Dear Ms. Susler:

This responds to your letter of March 13, 1997, requesting records "reflecting the granting or denial of pardon applications during the pendency of the Clinton administration." Your letter states that you are seeking information of the sort contained in reports of the Pardon Attorney that once were included in the Annual Reports of the Attorney General of the United States.

The practice of including abstracts of clemency cases, including the recommendation of the Department of Justice, in the Attorney General's Annual Report was discontinued during the 1930's. However, we are enclosing two charts of statistics on presidential clemency actions since President McKinley's administration, and a list of cases in which President Clinton has granted clemency, which incorporate at least some of the information you are seeking. In addition, we are also enclosing copies of the warrant of commutation in each of the three cases in which commutation of sentence was granted by President Clinton.

As a general matter, the President does not publish reasons for granting or denying clemency, although he may choose to do so in particular cases in which there has been considerable public interest. While in recent years pardon warrants signed by the President have generally stated that favorable action was taken in consideration of a recommendation from the Department of Justice, the recommendations of the Department of Justice are not otherwise disclosed, particularly in cases in which clemency is denied. The President, of course, may choose in particular cases to make public the nature of the Department's recommendation. We have enclosed copies of the two pardon warrants signed by President Clinton, both of which are for full pardon after service of sentence.

Sincerely,

Margaret Colgate Love
Pardon Attorney

Enclosures

EXECUTIVE CLEMENCY GRANTS BY PRESIDENT CLINTON

(53 Pardons and Three Commutations)

NOVEMBER 23, 1994

NAME	DISTRICT	SENTENCED	OFFENSE
Commutation of sentence			
Ernest C. Krikava	D. Neb.	1993 (five months' jail; followed by three years' supervised release with special condition of five months' home confinement)	Perjury in bankruptcy proceedings, 18 U.S.C. § 152
Pardons			
David Phillip Aronsohn	D. Minn.	1961	Failure to pay special occupational tax on wagering, 26 U.S.C. § 7203
Wanda Kaye Bain-Prentice	D. Ariz.	1982	Mail fraud, 18 U.S.C. § 1341
Antonio Barucco	Army	1945	Desertion in violation of the 58th Article of War
Kristine Margo Beck	D. Idaho	1981	Bank embezzlement, 18 U.S.C. § 656
David Christopher Billmaier	D. New Mex.	1980	Possession with intent to distribute amphetamines, 21 U.S.C. § 841(a)(1)
Terry Lee Brown	E.D. Ky.	1962	Interstate transportation of stolen motor vehicle, 18 U.S.C. § 2312
Joe Carl Bruton	N.D. Tex.	1979	Conspiracy to commit mail fraud, 18 U.S.C. § 371
Nolan Lynn DeMarce	W.D. Wisc.	1983	Making false statements to obtain bank loans, 18 U.S.C. § 1014
Jimmy C. Dick	N.D. Calif.	1976	Conspiracy to manufacture counterfeit Federal Reserve Notes, 18 U.S.C. § 371

NAME	DISTRICT	SENTENCED	OFFENSE
Edward Eugene Dishman	W.D. Okla.	1983	Conspiracy to defraud the United States and Oklahoma counties, 18 U.S.C. § 371
Brenda Kay Engle	S.D. Ind.	1983	Conspiracy to commit theft from interstate shipment, 18 U.S.C. § 371
Mary Theresa Fajer	D. Oregon	1980	Conspiracy to commit bank embezzlement, 18 U.S.C. §§ 2, 371
Albert James Forte	D. D.C.	1973	Making and subscribing false and fraudulent income tax return, 26 U.S.C. § 7206(1)
Fendley Lee Frazier	S.D. AL	1965	Interstate transportation of stolen motor vehicle, 18 U.S.C. § 2312
Robert Linward Freeland, Jr.	N.D. Ind.	1983	Forcible rescue of seized property, 26 U.S.C. § 7212(B)
Ralph Leon Furst	S.D. Calif.	1966	Embezzlement of United States mail (U.S. Code citation unknown)
Barbara Ann Gericke	W.D. Wisc.	1984	Conspiracy to introduce contraband into federal prison, 18 U.S.C. §§ 371 and 1791
Billy Joe Gilmore	N.D. Tex.	1982	Mail fraud and aiding and abetting, 18 U.S.C. §§ 1341 and 2
Loreto Joseph Iafrate	N.D. W. Va.	1976	Failure to record receipt of firearms, 18 U.S.C. §§ 922(m) and 924(a)
Carl Bruce Jones	W.D. Mo.	1983	Distribution of marijuana and use of telephone to facilitate marijuana distribution, 21 U.S.C. §§ 2, 841(a)(1) and 843(b)
Candace Deon Leverenz	N.D. Calif.	1972	Unlawful distribution of LSD, 21 U.S.C. §§ 841(a)(1) and (b)(1)(d)
George William Lindgren	S.D. N.Y.	1975	Bank embezzlement, 18 U.S.C. § 656

NAME	DISTRICT	SENTENCED	OFFENSE
Brian George Meierkord	C.D. Ill.	1983	Making false statement to bank, 18 U.S.C. § 1014
Jackie Lee Miller	N.D. Okla.	1983	Conspiracy to defraud the United States, 18 U.S.C. § 371
Joseph Patrick Naulty	E.D. Penn.	1980	Carrying away goods moving as part of foreign shipment, 18 U.S.C. § 659
Theodore Roosevelt Noel	N.D. Al.	1972	Selling whiskey in unstamped containers, 26 U.S.C. § 5604(a)(1), and making false statement in the acquisition of firearms from licensed dealer, 18 U.S.C. §§ 922(a)(6) and 924(a)
Mary Louise Oaks	M.D. La.	1979	Conspiracy to defraud the government government with respect to claims, 18 U.S.C. § 286
Robert Paul Padelsky	D. Utah	1980	Misapplication of bank funds, 18 U.S.C. § 656
Elizabeth Amy Peterson	D. Nev.	1985	Conspiracy to make false statements to bank, 18 U.S.C. § 371
Susan Lauranne Prather	W.D. Ark.	1975	Causing marijuana to be transported through mail, 21 U.S.C. § 843(b)
Gary Lynn Quammen	W.D. Wisc.	1976	Misapplication of bank funds, 18 U.S.C. § 656
Robert Ronal Raymond	D. Conn.	1972	Conspiracy to manufacture, receive, possess and sell firearms silencers, 18 U.S.C. § 371
Elizabeth Hogg Rushing	N.D. Ga.	1978	Misapplication of bank funds, 18 U.S.C. § 656
Marc Alan Schaffer	S.D. N.Y.	1968	Submission of false statements to Selective Service System Local Board, 50 U.S.C. Appendix § 462

NAME	DISTRICT	SENTENCED	OFFENSE
Roy Aaron Smith	E.D. Tex.	1982	Misprision of a felony, 18 U.S.C. § 4
Diane Dorothea Smunk	D. S. Dak.	1984	Embezzlement by government employee, 18 U.S.C. § 641
Thomas Peter Stathakis	D. S. Car.	1976	Selling and delivering firearms to out-of-state resident and falsifying firearms records, 18 U.S.C. §§ 922(b)(3), 922(m) and 924(a)
Kathleen Vacanti	C.D. Calif.	1979	Conspiracy to defraud the U.S. by obtaining payment of false claims, presenting false claims to the U.S., forging a writing, and aiding and abetting, 18 U.S.C. §§ 2, 286, 287 and 495
Pupi White	W.D. Mo.	1985	Making false statement on U.S. passport application, 18 U.S.C. § 911
Charles Coleman Wicker	E.D. Mo.	1975	Conspiracy to conduct illegal gambling business, 18 U.S.C. § 371
Roderick Douglas Woods	S.D. Miss.	1982	Misappropriation of bank funds, and aiding and abetting, 18 U.S.C. §§ 656 and 2

APRIL 17, 1995

NAME	DISTRICT	SENTENCED	OFFENSE
Commutation of sentence			
Jackie A. Trautman	N.D. Ohio	1992 (33 months' imprisonment, followed by five years' supervised release, as reduced)	Conspiracy to distribute cocaine, 21 U.S.C. §§ 846 and 841(a)(1)
Pardons			
Bradley Vaughn Barisic	M.D. Ca.	1980	Making false statement to National Labor Relations Board, 18 U.S.C. § 1001
Herschel L. Brantley	United States Air Force general court-martial convened at Honshu, Japan.	1951	Larceny, in violation of 93rd Article of War
Linda Bailey Byars	D. S.C.	1975	Bank embezzlement, 18 U.S.C. § 656
Patricia Ann Chapin	W.D. Mo.	1986	Falsifying prescription for controlled substance, 21 U.S.C. § 843(a)(4)(A) and 18 U.S.C. § 2
Ronald Jacobs	E.D. Pa.	1967	Theft from interstate shipment, 18 U.S.C. § 659
Margaret Mary Marks	N.D. Ohio	1984	Willful misapplication of bank funds, 18 U.S.C. § 657
John Richard Martin	S.D. Ca.	1956	Embezzlement of funds from savings and loan association, 18 U.S.C. § 657
Earl Thomas McKinney	United States Air Force summary court-martial	1951	Absent without leave
	United States Air Force general court-martial	1959	Larceny by check, writing check with insufficient funds, and false claims, in violation of Articles 121 132, and 134, UCMJ

NAME	DISTRICT	SENTENCED	OFFENSE
Shirley Jean Odoms	S.D. Tex.	1978	Filing false claim for tax refund, 18 U.S.C. § 287
Jack Pakis	W.D. Ark.	1972	Operation of illegal gambling business, 18 U.S.C. §§ 2 and 1955
Gordon Roberts, Jr.	M.D. La.	1977	Interstate transportation of forged and falsely made securities, 18 U.S.C. §§ 2 and 2314
Carl Edward Terhune, Jr.	N.D. Ok.	1985	Issuing U.S. Postal Service money orders while postal employee with intent to defraud Postal Service, 18 U.S.C. § 500

AUGUST 21, 1995

Commutation of sentence

Johnny Palacios	M.D. Fla.	1991 (71 months' imprisonment; followed by four years' supervised release)	Conspiracy to possess with intent to distribute marijuana and possession with intent to distribute marijuana, 21 U.S.C. §§ 841(a)(1) and 846 and 18 U.S.C. § 2

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Denied or Closed Without Presidential Action
			P	C	R	
William McKinley						
FY 1900	68	677	129	77	14	463
FY 1901	45	796	162	52	12	565
Total		1,473	291	129	26	1,028
Theodore Roosevelt						
FY 1902	50	738	92	36	6	547
FY 1903	107	543	70	57	7	447
FY 1904	69	585	87	64	11	400
FY 1905	90	574	109	52	4	397
FY 1906	76	627	96	53	5	487
FY 1907	81	523	71	34	10	388
FY 1908	49	460	53	23	8	291
Total		4,050	578	319	51	2,957
William Taft						
FY 1909	134	463	90	53	8	299
FY 1910	147	645	111	120	24	429
FY 1911	108	393	82	66	14	247
FY 1912	92	412	108	80	18	228
Total		1,913	391	319	64	1,203
Woodrow Wilson						
FY 1913	70	661	82	110	16	399
FY 1914	124	664	104	117	28	447
FY 1915	92	662	78	98	10	410
FY 1916	158	889	116	137	16	545
FY 1917	233	938	182	139	7	541
FY 1918	302	934	119	123	14	780
FY 1919	200	1,115	116	281	18	626
FY 1920	274	1,028	198	398	43	465
Total		6,891	995	1,403	152	4,213

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Denied or Closed Without Presidential Action
			P	C	R	
Warren Harding						
FY 1921	198	1,224	174	299	12	734
FY 1922	208	1,144	162	215	13	718
FY 1923	244	1,317	138	219	26	1,064
Total		3,685	474	733	51	2,516
Calvin Coolidge						
FY 1924	114	1,515	105	131	11	1,161
FY 1925	221	1,568	182	96	11	1,283
FY 1926	227	1,209	127	98	19	996
FY 1927	196	949	89	112	20	794
FY 1928	130	1,261	110	176	36	825
Total		6,502	613	613	97	5,059
Herbert Hoover						
FY 1929	244	1,544	160	179	29	1,230
FY 1930	190	1,141	121	86	14	912
FY 1931	198	1,195	163	114	31	898
FY 1932	187	1,203	189	137	39	814
FY 1933	211	1,235	199	69	36	746
Total		6,318	832	585	149	4,600

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Denied or Closed Without Presidential Action
			P	C	R	
Franklin D. Roosevelt						
FY 1934	379	1,061	114	55	35	854
FY 1935	400	1,407	211	39	61	941
FY 1936	555	944	154	187	49	780
FY 1937	329	1,080	192	40	59	790
FY 1938	328	1,287	219	28	92	957
FY 1939	319	1,215	172	32	40	868
FY 1940	422	1,296	242	31	40	895
FY 1941	510	1,367	178	15	18	984
FY 1942	682	1,272	305	21	51	654
FY 1943	923	1,019	332	17	10	803
FY 1944	780	781	424	10	10	646
FY 1945 *(9.5 mos.)*	471	614	178	16	10	402
Total *(141.5 mos.)*		13,343	2,721	491	475	9,574
Harry S. Truman						
FY 1945 *(2.5 mos.)*	479	201	98	9	2	133
FY 1946	438	977	275	32	3	570
FY 1947	535	779	308	13	2	483
FY 1948	508	657	178	15	0	411
FY 1949	561	638	178	17	1	313
FY 1950	690	504	401	13	3	338
FY 1951	439	467	190	9	1	228
FY 1952	478	477	192	6	0	214
FY 1953 *(6.5 mos.)*	543	330	91	6	1	197
Total *(93 mos.)*		5,030	1,911	120	13	2,887

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Denied or Closed Without Presidential Action
			P	C	R	
Dwight D. Eisenhower						
FY 1953 *(5.5 mos)*	578	269	6	1	0	159
FY 1954	681	461	55	7		348
FY 1955	732	662	59	4		684
FY 1956	647	585	192	9		568
FY 1957	463	585	232	4		443
FY 1958	369	406	98	6		302
FY 1959	369	434	117	2		286
FY 1960	398	437	149	5		244
FY 1961 *(6.5 mos)*	437	261	202	9		145
Total *(96 mos.)*		4,100	1,110	47		3,179
John F. Kennedy						
FY 1961 *(5.5 mos.)*	342	220	24	9		121
FY 1962	408	595	166	16		315
FY 1963	506	592	133	43	2	233
FY 1964 *(4.5 mos.)*	687	342	149	32	1	162
Total *(34 mos.)*		1,749	472	100	3	831

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending		Petitions Received		Petitions Granted			Denied or Closed Without Presidential Action	
	P	C	P	C	P	C	R	P	C
Lyndon B. Johnson									
FY 1964 *(7.5 mos.)*	685		579		165	41	0	275	
FY 1965	783		1,008		195	80		569	
FY 1966	947		865		364	80	1	726	
FY 1967	532	109	419	444	222	23		147	373
FY 1968	582	157	409	340	13	3		106	309
FY 1969 *(6.5 mos.)*	872	185	278	195	0	0		129	196
Total *(62 mos.)*			4,537		959	227	1	2,830	
Richard M. Nixon									
FY 1969 *(5.5 mos.)*	1,021	184	136	115	0	0		123	57
FY 1970	1,034	242	337	122	82	14		432	266
FY 1971	857	84	266	188	157	16		436	212
FY 1972	530	44	346	170	235	19	1	252	158
FY 1973	389	36	323	162	202	5		198	143
FY 1974	312	50	291	135	187	8		209	128
FY 1975 *(1.5 mos.)*	207	49	-	-	0	0		0	0
Total *(67 mos.)*			1,899	892	863	62	1	1,650	964
Gerald Ford									
FY 1975 *(10.5 mos.)*	207	49	351	259	147	9		166	159
FY 1976	245	140	502	240	106	11		199	243
FY 1977 *(3.5 mos.)*	442	126	125	50	129	7		70	63
Total *(29 mos.)*			978	549	382	27		435	465

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending		Petitions Received		Petitions Granted		Petitions Denied			Closed Without Presidential Action	
	P	C	P	C	P	C	P	C	R	P	C
Jimmy Carter											
FY 1977 *(8.5 mos.)*	368	106	292	271	0	1	1	0		118	49
FY 1978	541	327	379	262	162	3	307	409		74	46
FY 1979	377	131	436	274	143	10	138	123		55	132
FY 1980	477	140	355	168	155	11	150	106	2	161	81
FY 1981 *(3.5 mos.)*	366	108	119	71	74	7	42	35		11	18
Total *(48 mos.)*			1,581	1,046	514	32	638	673	2	419	326
Ronald Reagan											
FY 1981 *(8.5 mos.)*	358	119	220	137	2	0	0	0		66	87
FY 1982	510	169	283	179	83	3	258	123		81	85
FY 1983	371	137	298	149	91	2	74	33		96	103
FY 1984	409	147	289	158	37	5	99	31		95	101
FY 1985	467	168	256	151	32	3	86	18		66	109
FY 1986	540	188	222	140	55	0	94	28		65	103
FY 1987	548	197	227	183	23	0	115	34		52	110
FY 1988	588	236	236	148	38	0	205	43		68	181
FY 1989 *(3.5 mos.)*	513	160	68	60	32	0	38	8		23	26
Total *(96 mos.)*			2,099	1,305	393	13	969	318		612	905
George Bush											
FY 1989 *(8.5 mos.)*	488	186	115	130	9	1	122	22		41	112
FY 1990	432	184	206	148	0	0	94	22		59	114
FY 1991	485	196	172	146	29	0	390	198		62	31
FY 1992	180	109	174	205	0	0	45	76		40	31
FY 1993 *(3.5 mos.)*	269	207	64	106	36	2	25	111		18	8
Total *(48 mos.)*			731	735	74	3	676	429		220	296

Presidential Clemency Actions by Administration

(P=Pardons, C-Commutations, R=Remissions of Fine)

President	Petitions Pending		Petitions Received		Petitions Granted		Petitions Denied			Closed Without Presidential Action	
	P	C	P	C	P	C	P	C	R	P	C
Bill Clinton											
FY 1993 *(8.5 mos.)*	260	192	172	526	0	0	1	2		33	53
FY 1994	392	656	228	580	0	0	175	400		74	136
FY 1995	371	700	209	403	53	3	158	258		39	133
FY 1996	330	709	204	308	0	0	72	139		23	137
FY 1997 *(4 months)*	439	741	69	156	0	0	69	129		10	40
Total *(48.5 mos.)*			882	1,973	53	3	475	928		179	499

Presidential Clemency Actions by Administration
1900 - 1997

President	Total Clemency Requests Acted Upon	Total Granted		Percentage Granted *(of total acted upon)*
		Pardons	Commutations[1]	
McKinley *1900-1901*	1,497	306	163	31.3%
T. Roosevelt *1901-1909*	3,980	633	390	25.7%
Taft *1909-1913*	2,030	377	450	40.7%
Wilson *1913-1921*	6,967	1,065	1,689	39.5%
Harding *1921-1923*	3,418	347	555	26.4%
Coolidge *1923-1929*	6,687	730	898	24.3%
Hoover *1929-1933*	5,861	715	546	21.5%
F.D. Roosevelt *1933-1945*	13,261	2,721	966	27.8%
Truman *1945-1953*	4,931	1,911	133	41.5%
Eisenhower *1953-1961*	4,336	1,110	47	26.7%
Kennedy *1961-1963*	1,406	472	103	40.9%
Johnson *1963-1969*	4,017	959	228	29.5%
Nixon *1969-1974*	3,540	863	63	26.2%
Ford *1974-1977*	1,309	381[2]	27	31.2%
Carter *1977-1981*	2,624	534	32	21.6%
Reagan *1981-1989*	3,210	393	13	12.6%
Bush *1989-1993*	1,698	68[3]	3	4.2%
Clinton *1993-1997*	2,099	53	3	2.7%

[1] *Includes commutations and remissions of fine.*
[2] *Does not include former President Richard M. Nixon, pardoned by proclamation.*
[3] *Does not include six persons involved in Iran-Contra matters, pardoned by proclamation.*

Prepared by the Office of the Pardon Attorne
October 31, 199

Presidential Clemency Actions by Administration and Relief Sought
1969 - 1997

President	Total Clemency Requests Acted Upon		Total Granted		Percentage Granted By Category	
	Pardon	Commutation[1]	Pardon	Commutation[1]	Pardon	Commutation[1]
Nixon *1969-1974*	2,513	1,027	863	63	34.3%	6.1%
Ford *1974-1977*	817	492	381[2]	27	46.6%	5.5%
Carter *1977-1981*	1,591	1,033	534	32	33.6%	3.1%
Reagan 1981-1989	1,974	1,236	393	13	19.9%	1.1%
Bush *1989-1993*	970	728	68[3]	3	7.0%	0.4%
Clinton *1993-1997*	699	1,400	53	3	7.6%	0.2%

[1] Includes commutations and remissions of fine.
[2] Does not include former President Richard M. Nixon, pardoned by proclamation.
[3] Does not include six persons involved in Iran-Contra matters, pardoned by proclamation.

Prepared by the Office of the Pardon Attorney
October 31, 1996

Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS Ernest C. Krikava was convicted in the United States District Court for the District of Nebraska in a proceeding (Doc. No. 4:CR93-3031(01)) charging violation of Section 152, Title 18, United States Code, and on November tenth, 1993, was sentenced to five months' imprisonment, followed by three years' supervised release with a special condition of five months' home confinement, and also was ordered to pay a special assessment in the amount of one hundred dollars ($100); and

WHEREAS the aforesaid conviction and sentence were affirmed by the United States Court of Appeals for the Eighth Circuit on April twenty-first, 1994, and the said Ernest C. Krikava filed a petition for a writ of certiorari in the United States Supreme Court on July nineteenth, 1994, which was denied on October third, 1994; and

WHEREAS the said Ernest C. Krikava commenced service of the sentence on June thirtieth, 1994, and is not scheduled for release from prison until November twenty-eighth, 1994; and

WHEREAS it has been made to appear that the ends of justice do not require that the said Ernest C. Krikava serve the aforesaid five-month prison sentence in its entirety or that he serve the period of home confinement:

NOW, THEREFORE, BE IT KNOWN, that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute Ernest C. Krikava's sentence as follows: the five-month prison sentence shall expire at once and the three-year period of supervised release shall be reduced to 31 months, leaving intact all the standard and special conditions, except for the special condition of five months' home detention, which shall be removed, and leaving intact the $100 felony assessment.

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

DONE at the City of Washington this twenty-third day of November in the Year of Our Lord nineteen hundred and ninety-four and of the Independence of the United States the two hundred and nineteenth.

William J. Clinton

William J. Clinton
President

Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS Jackie A. Trautman was convicted in the United States District Court for the Northern District of Ohio in a proceeding (Doc. No. 5:91CR0291-008) charging violation of Sections 846 and 841(a)(1), Title 21, United States Code, and on October ninth, 1992, was sentenced to 51 months' imprisonment, followed by five years' supervised release, which was reduced on July twenty-eighth, 1993, to 33 months' imprisonment, followed by five years' supervised release; and

WHEREAS the said Jackie A. Trautman commenced service of the aforesaid sentence on January fifth, 1993, and is scheduled for good conduct time release on May twenty-seventh, 1995; and

WHEREAS it has been made to appear that the ends of justice do not require that the said Jackie A. Trautman serve the aforesaid sentence in its entirety:

NOW, THEREFORE, BE IT KNOWN, that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute the confinement portion of the aforesaid sentence of the said Jackie A. Trautman to expire at once, leaving intact and in effect the remaining provisions of the sentence, including the aforesaid five-year period of supervised release and all its conditions.

IN TESTIMONY WHEREOF, I hereunto sign my name and cause the seal of the Department of Justice to be affixed.

DONE at the City of Washington this

Seventeenth day of April

In the year of our Lord One Thousand

Nine Hundred and Ninety-five and of the

Independence of the United States the

Two Hundred and Nineteenth.

William J. Clinton

William J. Clinton
President

Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS Johnny Palacios was convicted in the United States District Court for the Middle District of Florida in a proceeding (Doc. No. 90-264-CR-T-10(C)) charging a violation of Section 846, Title 21, United States Code, and a violation of Section 841(a)(1), Title 21 and Section 2, Title 18, United States Code, and on October eleventh, 1991, was sentenced to a total of 71 months' imprisonment, followed by four years' supervised release, and also was ordered to pay a special assessment in the amount of one hundred dollars ($100); and

WHEREAS the said Johnny Palacios commenced service of the aforesaid sentence on December third, 1991, and is scheduled for good conduct time release from prison on November first, 1996; and

WHEREAS it has been made to appear that the ends of justice do not require that the said Johnny Palacios serve the aforesaid 71-month prison sentence in its entirety:

NOW, THEREFORE, BE IT KNOWN, that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute the confinement portion of the aforesaid sentence of the said Johnny Palacios to expire at once, leaving intact and in effect the remaining provisions of the sentence, including the aforesaid four-year term of supervised release with all its conditions and the one-hundred dollar ($100) felony assessment.

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

DONE at the City of Washington this

21st day of August

In the Year of Our Lord One Thousand

Nine hundred and Ninety-five and of the

Independence of the United States the

Two Hundred and Twentieth.

William J. Clinton

William J. Clinton
President

Executive Grant of Clemency

After reviewing the applications for executive clemency of the following named persons and giving consideration to a letter from the Deputy Attorney General recommending executive clemency in each case, I hereby grant full and unconditional pardons to the following named persons for those offenses against the United States described in each such recommendation:

Bradley Vaughn Barisic
Herschel Linton Brantley
Linda Bailey Byars
Patricia Ann Chapin
Ronald Jacobs
Margaret Mary Marks
John Richard Martin
Earl Thomas McKinney
Shirley Jean Odoms
Jack Pakis
Gordon Roberts, Jr.
Carl Edward Terhune, Jr.

I hereby designate, direct and empower the Pardon Attorney, as my representative, to sign each grant of clemency to the persons named herein. The Pardon Attorney shall declare that her action is the act of the President, being performed at my direction.

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

DONE at the City of Washington this

Seventeenth day of April

In the year of our Lord One Thousand

Nine Hundred and Ninety-five and of the

Independence of the United States the

Two Hundred and Nineteenth.

William J. Clinton
President

Executive Grant of Clemency

After reviewing the applications for executive clemency of the following named persons and giving consideration to a letter from the Deputy Attorney General recommending executive clemency in each case, I hereby grant full and unconditional pardons to the following named persons for those offenses against the United States described in each such recommendation:

David Phillip Aronsohn
Wanda Kaye Bain-Prentice
(fka Wanda Kaye Rogers Hughes)
Antonio Barucco
Kristine Margo Beck
David Christopher Billmaier
Terry Lee Brown
Joe Carl Bruton
Nolan Lynn DeMarce
Jimmy C. Dick
Edward Eugene Dishman
Brenda Kay Engle
Mary Theresa Fajer
Albert James Forte
Fendley Lee Frazier
Robert Linward Freeland, Jr.
Ralph Leon Furst
Barbara Ann Gericke
Billy Joe Gilmore
Loreto Joseph Iafrate
Carl Bruce Jones
Candace Deon Leverenz
George William Lindgren
Brian George Meierkord
Jackie Lee Miller
Joseph Patrick Naulty
Theodore Roosevelt Noel
Mary Louise Oaks
(fka Mary Louise Prestage)
Robert Paul Padelsky
Elizabeth Amy Peterson
(fka Elizabeth Amy Porray)
Susan Lauranne Prather
Gary Lynn Quammen
Robert Ronal Raymond
Elizabeth Hogg Rushing
Marc Alan Schaffer
Roy Aaron Smith
Diane Dorothea Smunk
Thomas Peter Stathakis
Kathleen Vacanti
Pupi White
Charles Coleman Wicker
Roderick Douglas Woods

I hereby designate, direct and empower the Pardon Attorney, as my representative, to sign each grant of clemency to the persons named herein. The Pardon Attorney shall declare that her action is the act of the President, being performed at my direction.

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

DONE at the City of Washington this twenty-third day of November in the year of our Lord nineteen hundred and ninety-four and of the Independence of the United States the two hundred and nineteenth.

William J. Clinton
William J. Clinton
President

PEOPLE'S LAW OFFICE

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Timothy R. Lohraff
John L. Stainthorp
Jan Susler
G. Flint Taylor, Jr.
Erica Thompson
Of Counsel
Michael E. Deutsch

March 13, 1997

Margaret Colgate Love
United States Pardon Attorney
500 First Street, N.W., Seventh Floor
Washington, D.C. 20534

Re:

Dear Ms. Colgate Love,

I am writing to request copies of documents reflecting the granting or denial of pardon applications during the pendency of the Clinton administration. I am aware that once upon a time there was a report by the Pardon Attorney included in the Annual Report of the Attorney General of the United States, which included the applicant's name, the district and offense, the sentence and date, the recommendation of the Attorney General, and the Action of the President and date. That is precisely the nature of the information I am seeking regarding the current administration. I will look forward to receiving the requested documents at your soonest convenience. Thank you in advance for your prompt cooperation.

Sincerely yours,

Jan Susler
Attorney

JMS/bjm

EXHIBIT 2

THE WHITE HOUSE

WASHINGTON

September 16, 1999

HAND-DELIVERED

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

Dear Mr. Chairman:

On September 1, 1999, the Committee issued a subpoena to the Executive Office of the President, as well as other agencies, seeking any records relating to 16 individuals, and the President's decision to grant clemency to them. The day before yesterday, the Committee issued a subpoena seeking testimony from White House Counsel Beth Nolan on these same matters.

With this letter, we are providing the Committee with documents bearing Bates Numbers CL00001-CL11451, and a videotape marked Video Tape #1. These materials are responsive to the Committee's subpoena, but are not directly related to the exercise of the President's exclusive constitutional authority to grant clemency. We will provide the Committee with any additional documents of a similar nature that may become available as we continue the search and review process.

Pursuant to the Constitution and the separation of powers doctrine, the President's authority to grant clemency is not subject to legislative oversight. U.S. Const., Art. II, § 2, cl. I ("[t]he President shall . . . have Power to grant Reprieves and Pardons for Offences against the United States"). See also United States v. Klein, 80 U.S. (13 Wall.) 128, 147 (1871) ("[t]o the executive alone is intrusted the power of pardon"); Public Citizen v. U.S. Department of Justice, 491 U.S. 440, 485 (1989) ("Congress cannot interfere in any way with the President's power to pardon"). Executive privilege serves the vital public interest in assuring that the President receives candid advice from his advisers. "A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately." In re Sealed Case, 121 F.3d 729,

743 (D.C. Cir. 1997). For that reason, after seeking the views of the Attorney General, the President has directed me to assert executive privilege with respect to matters relating to his grant of clemency to these 16 individuals as described in the attached letter from the Attorney General to the President. Accordingly, certain documents covered by the September 1 subpoena will not be available to the Committee.

Similarly, Ms. Nolan will not appear before the Committee on Tuesday. It is well-settled that the President and his immediate advisers are absolutely immune from being compelled to appear before a congressional committee. As then-Assistant Attorney General William Rehnquist explained nearly thirty years ago:

> The President and his immediate advisers -- that is, those who customarily meet with the President on a regular basis -- should be deemed absolutely immune from testimonial compulsion by a congressional committee. They not only may not be examined with respect to their official duties, but they may not even be compelled to appear before a congressional committee.

Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Re: Power of Congressional Committee to Compel Appearance or Testimony of "White House Staff," at 7 (Feb. 5, 1971). More concretely, the President's assertion of executive privilege precludes Ms. Nolan, who as you know became Counsel to the President just eight days ago and well after the clemency decision was made, from testifying about any of the matters that will be the subject of tomorrow's hearing. Of course, we remain interested in cooperating with the Committee and will provide as much information as we can in a manner consistent with the President's exclusive constitutional authority to grant clemency.

If you or your staff have questions regarding these matters, please feel free to contact me or Senior Associate Counsel to the President Steven F. Reich.

Sincerely,

Cheryl Mills/BL

Cheryl Mills
Deputy Counsel to the President

Enclosure
cc: Honorable Henry A. Waxman
Ranking Minority Member

CERTIFICATION OF RECEIPT OF MATERIAL

By signing this document, I am acknowledging on behalf of the Committee on Government Reform, that I have received copies of CL 00001-CL11451 and Video Tape #1 transmitted under cover letter dated September 16, 1999.

Signature

Kristi L. Remington
Name (print)

Senior Counsel
Title

9/16/99 10:01
Date and Time of Receipt

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

September 16, 1999

The President
The White House
Washington, DC 20500

Dear Mr. President:

You have requested my legal advice as to whether executive privilege may properly be asserted in response to several subpoenas issued by the Committee on Government Reform and Oversight of the House of Representatives to the White House, the Department of Justice, and certain White House and Department officials seeking documents and testimony concerning your decision to offer clemency to sixteen individuals.

I.

The documents and testimony proposed to be subject to a claim of executive privilege consist of (1) advice and other deliberative communications to the President and (2) deliberative documents and communications generated within and between the Department of Justice and the White House in connection with the preparation of that advice. Documents falling into the former category consist of memoranda and other documents submitted to you by officials and components of the Department and offices within the White House concerning the clemency decision. The documents falling into the latter category include documents containing confidential advice, analysis, recommendations and statements of position that the Pardon Attorney generated in connection with the clemency review, or that other executive branch officials and employees submitted to the offices of the Pardon Attorney or the Deputy Attorney General in connection with that review. For the reasons set forth below, it is my legal judgment that executive privilege may properly be asserted with respect to the foregoing documents and with respect to testimony by Department and White House officials concerning the deliberations in connection with your clemency decision.

Advice to the President and other deliberative communications and materials fall within the scope of executive privilege. See generally United States v. Nixon, 418 U.S. 683, 705-13

(1974); Nixon v. Administrator of General Services, 433 U.S. 425, 446-55 (1977). The Supreme Court has recognized

> the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking. A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately. These are the considerations justifying a presumptive privilege for Presidential communications. The privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution.

United States v. Nixon, 418 U.S. at 708. It is thus well established that not only does executive privilege apply to confidential communications to the President, but also to "communications between high Government officials and those who advise and assist them in the performance of their manifold duties." Id. at 705.

The White House staff and the Department of Justice act as confidential advisors to the President as part of the clemency review process, and executive privilege has long been understood to protect confidential advice generated during that process. Under controlling case law, in order to justify a demand for information protected by executive privilege, a congressional committee is required to demonstrate that the information sought is "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee on Presidential Campaign Activities v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). And those functions must be in furtherance of legitimate legislative responsibilities of Congress. See McGrain v. Daugherty, 273 U.S. 135, 160 (1927) (Congress has oversight authority "to enable it efficiently to exercise a legislative function belonging to it under the Constitution").

The Committee's letter to the Department, dated September 10, 1999, which requested the designation of a witness for the Committee's hearing, indicated that the hearing is entitled "Clemency for the FALN: A Flawed Decision?" and that the Committee is "specifically interested in hearing about information germane to the process of the . . . grant of executive clemency" regarding the sixteen individuals. A compelling argument can be made, however, that Congress has no authority whatsoever to review a President's clemency decision. "Since Congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the Government." Barenblatt v. United States, 360 U.S. 109, 111-12 (1959). The granting of clemency pursuant to the pardon power is unquestionably an exclusive province of the Executive Branch. U.S. Const., Art. II, § 2, cl. 1. See United States v. Klein, 80 U.S. (13 Wall.) 128, 147 (1871) ("To the executive alone is intrusted the power of pardon"); see also Public Citizen v. Department of Justice, 491 U.S. 440, 485 (1989) (Kennedy, J., concurring) (reaffirming that pardon power is "commit[ted] . . . to the exclusive control of the President").

In exercising his clemency power, the President may seek the views of various advisors as he deems appropriate. Historically, he has sought the advice of the Department of Justice. In response to previous congressional inquiries, the Department has repeatedly emphasized the exclusivity of the President's pardon power. In a letter responding to a request for pardon papers by the Chairman of the House Committee on Claims in 1919, the Attorney General refused to provide Congress with the Attorney General's report, observing:

> [T]he President, in his action on pardon cases, is not subject to the control or supervision of anyone, nor is he accountable in any way to any branch of the government for his action, and to establish a precedent of submitting pardon papers to Congress, or to a Committee of Congress, does not seem to me to be a wise one.

Letter from A. Mitchell Palmer, Attorney General, to Rep. George W. Edmonds, Chairman, House Committee on Claims (Sept. 25, 1919). This position was reasserted by the Pardon Attorney in 1952 in response to an inquiry from Senator Styles Bridges concerning the publication of details of clemency cases. Noting that "the President's exercise of the pardoning power is not subject to statutory regulation or control," the Pardon Attorney explained that,

> [i]n the exercise of the pardoning power, the President is amenable only to the dictates of his own conscience, unhampered and uncontrolled by any person or branch of Government. In my judgment it would be a serious mistake and highly detrimental to the public interest to permit Congress, or any Branch thereof, to encroach upon any prerogative, right or duty of the President conferred upon him by the Constitution, or to assume that he is in the slightest respect answerable to it for his action in pardon matters.

Letter from Daniel Lyons, Pardon Attorney, to Senator Styles Bridges (Jan. 10, 1952) (citation and internal quotation marks omitted). The Executive Branch has on occasion provided Congress with information relating to particular clemency decisions, but to our knowledge it has done so only voluntarily and without conceding congressional authority to compel disclosure.

Accordingly, it appears that Congress' oversight authority does not extend to the process employed in connection with a particular clemency decision, to the materials generated or the discussions that took place as part of that process, or to the advice or views the President received in connection with a clemency decision. In any event, even if the Committee has some oversight role, I do not believe its oversight needs would be viewed by the courts as outweighing the President's interest in the confidentiality of the deliberations relating to his exercise of this exclusive presidential prerogative. Conducting the balancing required by the case law, see Senate Select Committee, 498 F.2d at 729-30; United States v. Nixon, 418 U.S. at 706-07, I do not believe that access to documents relating to or testimony about these deliberations would be held

by the courts to be "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee, 498 F.2d at 731. Indeed, this conclusion is confirmed by the fact that the Committee can satisfy any oversight need to investigate the impact of the clemency decision on law enforcement goals by obtaining information concerning the individuals offered clemency and any threat they might pose through non-privileged documents and testimony.

II.

The Counsel to the President is one of several individuals subpoenaed to provide testimony to the Committee. Much, but not necessarily all, of what the Counsel might be asked to testify about at the Committee's hearing would presumably fall within the scope of information that would be covered by your assertion of executive privilege over deliberations leading up to your clemency decision. However, there is a separate legal basis that would support a claim of executive privilege for the entirety of the Counsel's testimony, thereby eliminating any need for her to appear at the hearing. Executive privilege is assertable in response to a congressional subpoena seeking testimony by the Counsel to the President concerning the performance of official duties on the basis that the Counsel serves as an immediate adviser to the President and is therefore immune from compelled congressional testimony.

It is the longstanding position of the executive branch that "the President and his immediate advisers are absolutely immune from testimonial compulsion by a Congressional committee."[1] This position is constitutionally based. As Assistant Attorney General Theodore Olson observed in 1982:

> The President is a separate branch of government. He may not compel congressmen to appear before him. As a matter of separation of powers, Congress may not compel him to appear before it. The President's close advisors are an extension of the President.[2]

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[1] Memorandum from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Executive Privilege, at 5 (May 23, 1977).

[2] Memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, at 2 (Jul. 29, 1982) (discussing subpoena for testimony of the Counsel to the President). See also Memorandum from Roger C. Cramton, Assistant Attorney General, Office of Legal Counsel, Re: Availability of Executive Privilege Where Congressional Committee Seeks Testimony of Former White House Official on Advice Given President on Official Matters, at 6 (Dec. 21, 1972) (because "[a]n immediate assistant to the President may be said to serve as his alter ego . . . the same considerations that were persuasive to former President Truman [when he declined to comply with a congressional subpoena for his testimony] would apply to justify a refusal to appear by . . . a former staff member"); Letter from Edward C. Schmults, Deputy Attorney General, at 2 (Apr. 19, 1983) ("[O]ur concern regarding your desire for the sworn testimony of [the Counsel to the President] is based upon important principles relative to the powers, duties and prerogatives of the Presidency. We share with previous Presidents

Accordingly, "[n]ot only can the President invoke executive privilege to protect [his personal staff] from the necessity of answering questions posed by a congressional committee, but he can also direct them not even to appear before the committee."[3]

An often-quoted statement of this position is contained in a memorandum by then-Assistant Attorney General William Rehnquist:

> The President and his immediate advisers -- that is, those who customarily meet with the President on a regular or frequent basis -- should be deemed absolutely immune from testimonial compulsion by a congressional committee. They not only may not be examined with respect to their official duties, but they may not even be compelled to appear before a congressional committee.[4]

It is our understanding that the Counsel to the President falls within Assistant Attorney General Rehnquist's description of the type of Presidential advisers who are immune from testimonial compulsion.

Given the close working relationship that the President must have with his immediate advisers as he discharges his constitutionally assigned duties, I believe that a court would recognize that the immunity such advisers enjoy from testimonial compulsion by a congressional committee is absolute and may not be overborne by competing congressional interests. For, in many respects, the President's immediate adviser functions as the President's alter ego, assisting him on a daily basis in the formulation of executive policy and resolution of matters affecting the military, foreign affairs, and national security and other aspects of his discharge of his constitutional responsibilities. Subjecting such a presidential adviser to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters relating to the performance of his constitutionally assigned executive functions. Because such a result would, in my view, violate the constitutionally mandated separation of powers principles, it would seem to follow that compelling one of the President's immediate advisers to testify on a matter of executive decision-making would also raise serious constitutional problems, no matter what the assertion of congressional need.

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and their advisers serious reservations regarding the implications for established constitutional doctrines arising from the separation of powers of a Congressional demand for the sworn testimony of close presidential advisers on the White House staff.").

[3] Memorandum from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Dual-purpose Presidential Advisers, Appendix at 7 (Aug. 11, 1977).

[4] Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Re: Power of Congressional Committee to Compel Appearance or Testimony of "White House Staff", at 7 (Feb. 5, 1971).

At a minimum, however, I believe that, even if a court were to conclude that the immunity the Counsel to the President enjoys from testimonial compulsion by a congressional committee is subject to a balancing test, you may properly instruct the Counsel that she need not appear in response to the present congressional subpoena. In my view, a court would, at a minimum find that the constitutional interests underlying the immunity outweigh Congress' interest, if any, in obtaining information relating to the particular process followed, or the advice and other communications the President received, in connection with the President's exercise of his exclusive constitutional authority to grant clemency.

In conclusion, it is my legal judgment that executive privilege may properly be asserted with respect to the entirety of the testimony of the Counsel of the President, based on the immunity that position has with respect to compelled congressional testimony.

Sincerely,

Janet Reno
Attorney General

UNITED STATES SENTENCING COMMISSION
ONE COLUMBUS CIRCLE, NE
SUITE 2-500, SOUTH LOBBY
WASHINGTON, DC 20002-8002
(202) 273-4580
FAX (202) 273-4529

EXHIBIT 3

October 26, 1999

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:

Re: Potential guidelines sentences for individuals charged in connection with the FALN conspiracy

This letter responds to your request for an estimate of the sentences that would be applicable to the members of the FALN whose sentences were recently commuted by President Clinton,[1] if they had been sentenced under currently applicable statutory law and the Federal Sentencing Guidelines. For all defendants except Juan Enrique Segarra Palmer, III, our analysis was based primarily on information contained in the indictments of the convicted defendants. For Mr. Palmer, our analysis was based primarily on information contained in the presentence report prepared in May 1989 for the United States District Court in Connecticut and on the June 15, 1989, judgment and commitment order of that court. The analysis might have been different in some cases had we had more complete information about the offense conduct.

Analysis

In considering applicability of the current Federal Sentencing Guidelines to the 12 defendants sentenced in the Northern District of Illinois, we thought it most likely that

[1]These defendants are: Alejandrina Torres, Edwin Cortes, Alberto Rodriguez, Elizam Escobar, Ricardo Jiminez, Oscar Lopez-Rivera, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, and Carmen Valentin, all of whom were sentenced by the District Court in the Northern District of Illinois, and Juan Enrique Segarra-Palmer, III, sentenced in the District of Connecticut. Not included in this analysis are defendants Antonio Camacho-Negron, Roberto Maldonado-Rivera, and Norman Ramirez-Talaverawho had completed their imprisonment sentences when President Clinton made his offer of clemency, and who received commutation of the outstanding balance of fines imposed as part of their sentences.

a court would use one of two approaches to guideline application. Both of these approaches would result in a guideline range of at least 360 months to life (and, in the case of the approach described below using the Treason guideline, §2M1.1, a guideline sentence of life imprisonment) that would permit a judge to impose a life sentence for those nine defendants convicted of a violation of 18 U.S.C. § 924(c).[2] The other three defendants not convicted of a section 924(c) violation could have received a sentence amounting to the functional equivalent of life imprisonment, and would have been required to receive a sentence of at least thirty years under the guidelines, in our estimation. In estimating the guideline sentence for defendant Palmer sentenced in the District of Connecticut, we applied the Robbery sentencing guideline with applicable enhancements and concluded that the defendant would have been subject to a guideline sentence of life imprisonment. However, because none of the counts of conviction permit an actual life sentence, the guidelines would direct the court to impose the statutory maximum term of imprisonment on each count and run the sentences consecutively, in order to achieve the functional equivalent of a life sentence.

1. Use of §2M1.1(a)(1) (Treason) as the most analogous guideline

Each of the Illinois defendants was convicted of seditious conspiracy, 18 U.S.C. § 2384,[3] an offense for which no specific sentencing guideline has been issued by the Sentencing Commission, and various other offenses that are directly covered by applicable sentencing guidelines. When there is no guideline listed for an offense, the Commission has instructed that the court apply the most analogous guideline, if there is one that is sufficiently analogous. It is our opinion that a court reasonably could conclude that the Treason guideline, USSG §2M1.1(a)(1), is sufficiently analogous to the offense of conviction of seditious conspiracy charged in these cases. We find

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[2]The following defendants were convicted of violations of 18 U.S.C. § 924(c) and, accordingly, could receive sentences of life imprisonment under the current version of that statute: Elizam Escobar, Ricardo Jiminez, Oscar Lopez-Rivera, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, and Carmen Valentin.

[3]18 U.S.C. § 2384 provides:

> If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

strong support for this conclusion based on the fact that, in a factually and legally analogous case involving the bombing of the World Trade Center, the district court for the Southern District of New York made a similar determination, and this decision was recently affirmed by the U.S. Court of Appeals for the Second Circuit.[4]

As alleged in the indictments, the defendants conspired to "oppose by force the authority of the government of the United States." The object of the seditious conspiracy was the formation and operation of an "underground terrorist group"[5] called FALN. A primary goal of FALN was to oppose the United States government by force, terror, and violence, including the construction and planting of explosive and incendiary devices at banks, stores, office buildings and government buildings in the greater Chicago area between June 14, 1975 and November 24, 1979.

Although the evidence does not indicate that any of these defendants participated directly in these bombings, they all engaged in various acts in furtherance of the conspiracy, including storing weapons, ammunition, and bomb-making paraphernalia and planning and carrying out armed robberies to fund the conspiracy. Because the object of the FALN conspiracy, and the conduct alleged as part of the conspiracy, amounted to an avowed intent by the members of the conspiracy to wage war against the United States, a court could appropriately find that the most analogous guideline is USSG §2M1.1(a), Treason. Applying that guideline based on the court determination that the underlying conduct amounts to waging war against the United States, a base offense level of 43 is mandated under USSG §2M1.1(a)(1). *See United States v. Rahman*, ___ F.3d ___, 1999 WL 626631, at *55 (2d Cir. Aug. 16, 1999) (concluding that treason by waging war is appropriately analogous to offense of seditious conspiracy by levying war; conviction for seditious conspiracy was based on planned bombing of tunnels in New York). As stated above, our estimate is based on the primary assumption that a sentencing judge would find that each defendant undertook with his co-defendants to participate in, and/or otherwise assist, a scheme to use bombings and other specified activities to oppose by force the authority of the government of the United States, conduct that constituted levying war against the United States. USSG §1B1.3(a)(1)(B), comment. (n. 2).

Subsequent to the determination of the offense level in Chapter Two, the court would then turn to the possible Chapter Three adjustments to the base offense level. Regarding, USSG §3A1.4 (Terrorism), a court would be entitled to find that because the offenses described above "involved, or [were] intended to promote, a federal crime

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[4] *United States v. Rahman, 1999 WL 626631 (2d Cir. Aug. 16, 1999)*

[5] This characterization was in the 1981 indictment of the final four defendants. The 1980 indictment characterized the group as a "clandestine group."

of terrorism," the offense level would be increased by 12 levels (to level 55), and the Criminal History Category would be deemed to be Category VI.[6]

Regarding the possible applicability of the adjustments for Role in the Offense (Chapter Three, Part B), there is little information available to us to facilitate an informed opinion about whether any defendant warranted an aggravating role adjustment (USSG §3B1.1,provides increases ranging from plus 2 to plus 4 levels) or a mitigating role adjustment (USSG §3B1.2, provides decreases ranging from minus 2 to minus 4 levels). However, it should be noted that a court could not grant a downward adjustment for mitigating role unless the particular defendant met his or her burden of proving that he or she was "substantially less culpable than the average participant."[7]

The other Chapter Three adjustment that must be addressed is USSG §3E1.1 (Acceptance of Responsibility), which provides a reduction for the defendant who "clearly demonstrates acceptance of responsibility for the offense." Because the defendants went to trial and did not express remorse, we are aware of no basis for granting this reduction.

In summary, under this approach of using USSG §2M1.1 as the most analogous guideline for seditious conspiracy, application of the guidelines results in a final offense level of 55 and Criminal History Category of VI, for a sentence of life under the guidelines.[8]

The sentences for the nine defendants convicted of violations of 18 U.S.C. § 924(c) would be imposed in the following manner. The judge would impose the statutory maximum for each non-§ 924(c) count and order that the sentences run consecutively to each other. The judge would then impose a life sentence on the count involving section 924(c) and order that sentence to run consecutively with each other count. *See* 18 U.S.C. § 924(c)(1)(D)(ii), stating that "no term of imprisonment . . . under this subsection shall run concurrently with any other term of imprisonment imposed . . ."

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[6]Although there may be some overlap between the offense conduct covered by the two provisions, there is no guideline provision preventing the application of the increases in USSG §3A1.4 (Terrorism) in a case sentenced under USSG §2M1.1 (Treason). USSG §1B1.2, comment. (n. 4).

[7]USSG §3B1.2, comment. (backg'd). In this case even if a 4-level reduction were granted for mitigating role, the defendant would still face a guideline range (sentence) of life.

[8]USSG §5G1.1(a).

The sentences for the three defendants who were not convicted of a count involving section 924(c) would be imposed as follows: Because the statutory maximum for a violation of section 2384 is 20 years, and no other count of conviction permits a sentence of life imprisonment for these defendants, it is impossible to achieve the life sentence mandated by the guidelines. However, the court could impose a sentence that is the functional equivalent of a life sentence by imposing the statutory maximum for each count and ordering that the sentences run consecutively to each other.[9]

2. Use of USSG §2K2.1 (Firearms) as the Principal Applicable Guideline

We also considered an alternative approach for the Illinois defendants under which the sentencing court might conclude that there is no sufficiently analogous guideline for seditious conspiracy.[10] Focusing on the other counts of conviction for which there are directly applicable guidelines, it turns out that USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) is the Chapter Two guideline that generates the highest offense level and on which application is principally based. Using this approach, individual defendants would have slightly different final offense levels depending on their offenses of conviction and their offense conduct. However, given the minimum applicable increases, including the Terrorism enhancement under §3A1.4, each defendant would be expected to receive an offense level of at least level 38, Criminal History Category VI, for a sentencing range of 360 months to life. Faced with such a range for each of these defendants, a court could have imposed a sentence of life imprisonment on the defendants convicted of violations of 18 U.S.C. § 924(c). For the other three defendants, the judge could have imposed a sentence equal to the maximum sentence allowed for each of the counts of conviction, with the sentence on each count to run consecutively, as described above.

We have selected one of the Illinois defendants, Edwin Cortes, to illustrate this alternative possible approach to guideline application. Under §2K2.1(a)(4)(B), this defendant would receive a base offense level of 20 because the offense conduct involved a "a firearm described in 26 U.S.C. § 5845(a) or 18 U.S.C. § 921(a)(30)."

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[9]Where the guideline sentence is higher than the statutory maximum of any one count of conviction, the guidelines provide that, the court must impose sentence on the other counts to run consecutively "to the extent necessary to produce a combined sentence equal to the total punishment." USSG §5G1.2(d).

[10]When a court correctly makes this determination, it is then free to impose any sentence on that count allowed by statute, guided only by the purposes of sentencing specified under 18 U.S.C. § 3553(a). *See* USSG §2X5.1. For purposes of our guideline applications under this approach, we assumed zero contribution to the total sentence from this count.

Cortes would receive two additional levels (to level 22) because the offense involved a destructive device. USSG §2K2.1(b)(3). He would receive an additional four levels because a firearm was possessed in connection with another felony offense, resulting in offense level 26. USSG §2K2.1(b)(5).

Using the same analysis as detailed above, defendant Cortes would receive an additional 12 levels, and a Criminal History Category VI, because of the application of USSG §3A1.4.

As detailed above, we do not have sufficient information as to the possible applicability of an adjustment for Role in the Offense (Chapter Three, Part B), and would not expect a reduction to be applicable under USSG §3E1.1 (Acceptance of Responsibility).

Given the minimum applicable enhancements for each defendant, this alternative approach results in an offense level of 38, Criminal History Category VI for a range of 360 months to life. As discussed above, a court faced with such a range for each of these defendants, could impose a life sentence on the defendants convicted of 18 U.S.C. § 924(c), which sentence must be imposed consecutively to that for all other counts. The minimum sentence called for by the guidelines for these nine defendants would be 30 years, plus a consecutive sentence of five years (seven years if the weapon was brandished) on the section 924(c) count.[11]

For the other three defendants, the court could impose a maximum sentence equal to the sum of the maximum sentences allowed for each of the counts of conviction, with the sentence on each count to run consecutively, and a minimum sentence of thirty years.

3. Potential guidelines sentence for Juan Enrique Segarra Palmer, III, in the District of Connecticut

Our analysis for this defendant addresses the defendant's participation in the Wells Fargo robbery on September 12, 1983, a robbery conviction for which sufficient information was available to determine what his guideline range would likely be under the current guidelines.[12] In our estimation, even without applying the guidelines to the

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[11]USSG §§5G1.1(a), 5G1.2.

[12]The defendant was convicted of Title 18, U.S.C. § 2113(a), Robbery of Bank Funds (Cts. 1, 3, 5, 7); Title 18, U.S.C. § 659, Theft from Interstate Shipment (Ct. 9); Title 18, U.S.C. § 2314, Interstate Transportation of Stolen Money (Ct. 10); Title 18, U.S.C. § 2314, Foreign Transportation of Stolen Money (Cts. 12, 13); Title 18, U.S.C. § 1951, Conspiracy to Interfere with Commerce by

additional counts of conviction, the Wells Fargo robbery alone produces a guideline sentence of life imprisonment.[13]

This robbery is in violation of title 18 U.S.C. § 2113(a) and the applicable guideline is USSG §2B3.1. Under this guideline, the defendant would receive a base offense level of 20 and an additional five levels because the offense involved brandishing a weapon. He would also receive a two-level increase because the offense involved the physical restraint of a victim during the offense. Finally, he would receive an additional seven levels because the offense involved the loss of more than $5 million. The total Chapter Two offense level would likely be level 34 for the Wells Fargo robbery.

Subsequent to the determination of the offense level in Chapter Two, the court would then apply any applicable Chapter Three adjustments to the offense level. Regarding the applicability of USSG §3A1.4 (Terrorism), a court would likely find that because the offense described above "involved, or was intended to promote, a federal crime of terrorism," the Terrorism guideline would apply and the offense level would be increased by 12 levels (to level 46). The Criminal History Category also would be increased to the highest category, Category VI.

Regarding the possible applicability of the adjustments for Role in the Offense (Chapter Three, Part B), it appears, at a minimum, the court would be entitled to find that an aggravating role enhancement of two levels applies because the defendant was an "organizer or leader" of the robbery. Guideline §3B1.1 (Aggravating Role) provides increases ranging from plus 2 to plus 4 levels depending upon the defendant's role in the offense and the number of participants in the offense. The facts may support the four-level role enhancement if the court finds the defendant to be an "organizer or leader" of criminal activity that involved five or more participants.

The other Chapter Three adjustment that must be addressed is USSG §3E1.1 (Acceptance of Responsibility), which provides a reduction for the defendant who "clearly demonstrates acceptance of responsibility for the offense." Because the defendant went to trial and did not express remorse, it appears there is no basis for granting this two to three-level reduction.

Robbery (Ct. 14); Title 18, U.S.C. § 1951, Interference with Commerce by Robbery (Ct. 15); Title 18, U.S.C. § 371, Conspiracy to Rob Federally Insured Bank Funds, to Commit a Theft from Interstate Shipment, and to Transport Stolen Money in Interstate and Foreign Commerce (Ct. 16).

[13]In cases in which the guideline "range" provides life imprisonment as the only possible sentence, life imprisonment becomes the guideline-prescribed sentence.

In summary, application of the guidelines would likely result in a final offense level of at least level 48 and Criminal History Category of VI, which produces a guideline sentence of life imprisonment.[14]

The other counts of conviction could potentially provide additional offense level increases, but we cannot make a reasonable estimate of their impact without additional information that was not available to us. Clearly, these additional counts of conviction could not in any way reduce the guideline range described above.

Because the statutory maximum for a violation of 18 U.S.C. § 2113(a) is 20 years, and no other count of conviction permits a sentence of life imprisonment for this defendant, it is impossible to achieve the life sentence mandated by the guidelines. However, the court could impose a sentence that is the functional equivalent of a life sentence by imposing the statutory maximum for each count and ordering that the sentences run consecutively to each other.[15]

4. Barnes Analysis

Finally, you asked that we comment on a comparative sentence length analysis provided to the Committee by Mr. Harry G. Barnes, Jr. Mr. Barnes cited certain data on average murder sentences and then argued that the sentences for the FALN defendants, imposed for crimes that did not result in death, were disproportionately long in comparison. Recognizing that the views expressed by Mr. Barnes may provide one method of assessing the appropriateness of the sentences for the FALN defendants, we nevertheless offer the following countervailing observations. First, a recent Commission analysis of sentences imposed in FY 1998 for first degree murder revealed that, excluding those defendants sentenced to death, 28 of 37 (76%) defendants received a life sentence. Further, if the defendants sentenced to life are considered to have an average remaining life expectancy of 40 years, then the average effective sentence imposed on those 37 defendants would be about 36 years. These federal sentences, of course, are not subject to parole and, in general, are considerably longer than the murder sentence statistics cited by Mr. Barnes for his comparison purposes.

Moreover, the yardstick applied by Mr. Barnes is only one means of comparing offense seriousness. The completed criminal conduct of the FALN defendants may not

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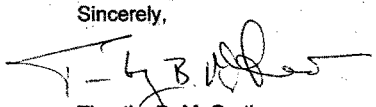
[14]USSG §5G1.1(a).

[15]Where the guideline sentence is higher than the statutory maximum of any one count of conviction, the guidelines provide that, the court must impose sentence on the other counts to run consecutively "to the extent necessary to produce a combined sentence equal to the total punishment." USSG §5G1.2(d).

have resulted in murder, but the additional planned conduct certainly threatened the lives of many persons and, more generally, sought to oppose the United States government by force and violence. Thus, viewed from a just punishment perspective, it is not at all clear that the FALN sentences were disproportionate to the seriousness of the crimes. Other statutory purposes of sentencing, namely deterrence and incapacitation of dangerous offenders, may also support the appropriateness of the FALN sentences. Finally, as the above-described guideline analysis attempted to show, we estimate that the federal sentencing guidelines generally would call for sentences as long as or longer than those actually imposed, if the defendants had been sentenced under current law.

I hope that this estimate of likely guideline application is responsive to your needs. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Timothy B. McGrath
Interim Staff Director

EXHIBIT 4

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 21 1998

The Honorable James P. McGovern
U.S. House of Representatives
Washington, DC 20515

Dear Congressman McGovern:

I am writing in response to your October 15, 1998, letter addressed to Linda Gray of this Department. Enclosed with your letter was a request by one of your constituents for information about certain individuals who are currently serving federal prison sentences and who claim to be "political prisoners."

The individuals referred to in your constituent's letter, known as the "Evanston Eleven," were part of a clandestine terrorist organization known as the Armed Forces of Puerto Rican National Liberation (FALN). The FALN is dedicated to the liberation of Puerto Rico from the control of the United States through the use of violent criminal acts including bombings, kidnappings, prison escapes and threats. These actions have been financed through various illegal activities, including armed robberies. The FALN is believed to be linked to over 130 bombings since 1974, which resulted in over 3.5 million dollars in damages, five deaths, and injuries to 84 persons, including law enforcement officers.

On April 4, 1980, eleven members of the FALN were arrested in Evanston, Illinois, as they prepared to rob an armored truck. Ten members of this organization were convicted in 1986 of seditious conspiracy, in violation of 18 U.S.C. §2384, which prohibits two or more persons from conspiring to use force in opposing the authority of the United States Government. They were also convicted of violating the Hobbs Act, 18 U.S.C. §1951, which prohibits interference with interstate commerce by force and violence. Lastly, they were convicted of violating a number of federal firearms statutes. All ten received lengthy prison sentences. The eleventh member, Marie Haydee Torres, was returned to New York where she was convicted in federal court for her role in the 1977 bombing of a Mobil Oil Company office building and sentenced to life imprisonment.

The sentences imposed in these cases were within the sole discretion of the federal judges who presided over them. The sentences are in line with sentences imposed in other cases for

similar terrorist activity. Although seditious conspiracy cases, fortunately, have not been numerous, you are correct that the defendants in the World Trade Center bombing were tried and convicted under that statute.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

From My Viewpoint

FALN: Clarifying the Record

By CARDINAL JOHN J. O'CONNOR

It has been said that I requested of the United States government the release of Puerto Rican federal prisoners; permit me to clarify the record.

Following a request on the part of a group of individuals concerned about the prisoners, I agreed to ask the Attorney General of the United States to *review* the cases of the prisoners and particularly other remedies that would serve the cause of justice.

I noted explicitly that my own review of these cases had convinced me of the very serious nature of these crimes. At the same time, I asked whether the relative degree of culpability of individual group members was adequately considered at trial.

Since it was my understanding that the prisoners had refused to defend themselves, I advised that they must accept the consequences of their decision, but that this decision certainly must have hampered the courts' ability to determine the degree of guilt for individual defendants.

I suggested there might be grounds for clemency because of the relative youth of many of the prisoners at the time of the crimes and given that many years of very long sentences had already been served. I noted that whether any of the prisoners had renounced violence as a means of achieving political ends was also an important factor.

Finally, I advised the Attorney General of my awareness that she had been contacted by groups urging the release of all 15 group members as "political prisoners." What I was proposing was quite different; simply a *review* of all cases on humanitarian grounds and of the question of whether injustice had been done or justice served by time already spent while in prison.

The Attorney General graciously replied in due time that she had received my letter to *review* the cases of the 15 prisoners.

In many years as a priest I have received many requests to intervene on the part of prisoners, including those sentenced to capital punishment. It has been my long-standing custom to raise questions rather than to give advice on such matters, particularly when I have little or no personal familiarity with the circumstances of the case. I have found that friends and relatives appreciate this approach. They understand that I have thus intervened to the best of my ability to help assure justice, without inappropriately intervening in the judicial process. I am unaware of any instance in which an inquirer has believed that I would intervene to circumvent the law or to impede the carrying out of justice.

This does not suggest that my intervention is mere lip service to satisfy concerned inquirers, but an honest effort to make myself available to help where help seems appropriate.

In whatever way my inquiry of the Attorney General has been reported or construed, I did not ask for the release of the Puerto Rican federal prisoners called FALN.

EXHIBIT 5

EXHIBIT 6

FROM THE ANGLICAN ARCHBISHOP OF CAPE TOWN
The Most Reverend Desmond M. Tutu, D.D. F.K.C.

BISHOPSCOURT CLAREMONT CAPE 7700

TELEPHONE: (021) 761-2531
FAX: (021) 761-4183

RQS/mt

28 August 1995

President W Clinton
The White House
WASHINGTON DC 20500
United States of America

Dear Mr President,

PUERTO RICO PRISONERS:

I have received an appeal from the Bishop of Puerto Rico for assistance in obtaining the release of fifteen Puerto Rican prisoners, presently held in San Francisco.

The Bishop believes that these people have been wrongly imprisoned and appeals to your office for their release on humanitarian grounds. The names given are:

> Elizam Escobar; Dylcia Pagan; Ida Luz Rodriguez; Carmen Valentin; Antonio Camacho-Negrón; Edwin Cortes; Alejandrino Torres; Adolfo Matos Natongiorgi; Alicia Rodriguez; Luis Rosa; Juan Segarra-Palmer; Carlos Albert Torres; Ricardo Jimenez; Alberton Rodriquez; Oscar Lopez-Rivera.

My first letter of appeal was directed to the United States Ambassador here and now I appeal to your office on behalf of my brother Bishop to consider clemency for these prisoners.

God bless you in the tremendous responsibility you carry.

Yours sincerely,

Desmond Tutu

c.c. The Presiding Bishop of ECUSA
The United States Ambassador

EXHIBIT 7

THE WHITE HOUSE

WASHINGTON

September 21, 1999

The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

Dear Henry:

As you know, on August 11, 1999, I offered clemency to 16 Puerto Rican nationalists conditioned on these individuals formally seeking it, renouncing violence and abiding by all parole requirements. This letter is in response to requests for information about my decision.

For the last six years, various Members of Congress, religious and civic leaders, as well as others, have urged me to grant clemency to a group of Puerto Rican prisoners, most of whom have been in prison between 16 and 19 years as a result of convictions for offenses arising out of their participation in organizations supporting Puerto Rican independence.

The question of clemency for these prisoners was a very difficult one. I did what I believe equity and fairness dictated. I certainly understand, however, that other people could review the same facts I did and arrive at a different decision.

In making my decision, I did not minimize the serious criminal conduct in which these men and women engaged. I recognize and appreciate that there are victims of FALN-related violence who feel strongly that these individuals, although not directly convicted of crimes involving bodily harm to anyone, should serve the full sentences imposed. Before making my decision, I sought and considered the views of the Department of Justice. Press reports note that certain Federal Bureau of Investigation and Justice Department officials, including the U.S. Attorneys in Chicago and Connecticut, were opposed to clemency. I did not dismiss those concerns as some have implied. Rather, I carefully weighed them in making this difficult decision.

On the other hand, the prisoners were serving extremely lengthy sentences -- in some cases 90 years -- which were out of proportion to their crimes. (In contrast, Jose Solis Jordan, who was prosecuted and convicted in July in Chicago of conspiring to place explosive devices at a Marine recruiting center, received a sentence of 51 months.)

The petitioners received worldwide support on humanitarian grounds from numerous quarters. President Jimmy Carter wrote in 1997 that granting clemency to these men and women "would be a significant humanitarian gesture and would be viewed as such by much of the international community, a concern that was relevant in 1979 and I believe is today . . . ." He noted that each individual had "spent many years in prison, and no legitimate deterrent or correctional purpose is served by continuing their incarceration." Finally, in explaining the close similarity between the current clemency petition and the clemency he granted in 1979 to people who had committed serious crimes in the name of Puerto Rico's independence, he said that then, as now, "to the extent that clemency might, under other circumstance, be viewed as evidence of leniency toward terrorists, no such conclusion could be drawn here in light of the length of the sentences served."

President Carter's support was particularly noteworthy because he commuted to time-served the sentences of the Puerto Rican nationalists who were convicted for their 1954 attack on the House of Representatives, which resulted in the wounding of five congressmen. President Carter also commuted to time-served the life sentence of Oscar Collazo, who attempted to assassinate President Truman, an attack that resulted in the death of a White House policeman.

Bishop Tutu and Coretta Scott King also wrote to seek clemency for the petitioners, since they had received "virtual life sentences" and "have spent over a decade in prison, while their children have grown up without them."

In addition, various Members of Congress, a number of religious organizations, labor organizations, human rights groups, and Hispanic civic and community groups supported clemency. The petitioners also received widespread support across the political spectrum within Puerto Rico. We have recently provided Congress more than 14,000 pages of materials that the White House received in connection with this clemency matter, including thousands of letters seeking clemency for the prisoners.

Many of those who supported unconditional clemency for the prisoners argued that they were political prisoners who acted out of sincere political beliefs. I rejected this argument.

No form of violence is ever justified as a means of political expression in a democratic society based on the rule of law. Our society believes, however, that a punishment should fit the crime. Whatever the conduct of other FALN members may have been, these petitioners -- while convicted of serious crimes -- were not convicted of crimes involving the killing or maiming of any individuals. For me, the question, therefore, was whether the prisoners' sentences were unduly severe and whether their continuing incarceration served any meaningful purpose. I considered clemency for each of them on an individual basis.

Nine of the petitioners were convicted in the Northern District of Illinois of seditious conspiracy, armed robbery, and various firearms offenses. They did not appear at trial, refused defense counsel and presented no defense to the charges against them. They also did not assist the probation office in preparing the pre-sentence reports. They received 20-year sentences for the seditious conspiracy and Hobbs Act counts, 10-year sentences for the weapons charges and 5-year sentences for the vehicle charges. The sentences on most or all of these counts were imposed consecutively, rather than concurrently -- which would rarely occur today under the Sentencing Guidelines -- and resulted in sentences ranging from 55 to 90 years. These nine prisoners have served 19 years in prison. I commuted the sentences of eight of these prisoners to between 23 and 26 years thereby making them eligible for parole pursuant to the mandatory release standards applicable to all prisoners. I refused to commute the sentence of Carlos Alberto Torres, who had been indicted by a federal grand jury in 1977 on explosives charges, was identified as the leader of the group, and had made statements that he was involved in a revolution against the United States and that his actions had been legitimate.

One of the petitioners, Oscar Lopez-Rivera, was charged with the other nine petitioners but was not arrested until May 1981. He was convicted of the same offenses and received sentences totaling 55 years. He too did not present a defense at trial or assist the probation officer in preparing the pre-sentencing report. In 1984, he tried to escape and was sentenced to an additional 15 years for that attempt to run consecutive to his earlier sentence. I proposed commuting his original conviction to 29 years but did not commute his sentence for the attempted escape. He declined the commutation offer.

Three of the petitioners were separately convicted in the Northern District of Illinois of seditious conspiracy, interstate transportation of stolen vehicles and weapons offenses. At trial they were represented by standby counsel and participated in parts of the trial, although they did not

participate in the sentencing process. Each was sentenced to 35 years in prison and had served 16 years. I commuted their sentences to 26 years, thereby making them eligible for parole.

The final four petitioners were members of Los Macheteros and were convicted in the District of Connecticut in connection with the 1984 robbery of a Wells Fargo office. Juan Enrique Segarra-Palmer received a sentence of 55 years, Antonio Camacho-Negron received a sentence of 15 years, and Roberto Maldonado-Rivera and Norman Ramirez-Talavera received sentences of 5 years each. The last two have completed their sentences, but I remitted their outstanding fines. Antonio Camacho-Negron was released in 1998 on parole, but was later re-arrested for parole violation. I was informed that he would be eligible for release at any time if he agreed to abide by the parole requirements. In light of his refusal to comply with the conditions of his first release, I refused to commute his sentence, although I did offer to remit his outstanding fines. He rejected this offer. Finally, I commuted the sentence of Juan Enrique Segarra-Palmer so that he would be eligible for parole after serving 19 years in prison, consistent with the time served by the Chicago petitioners.

The timing of my decision was dictated by the fact that my former counsel, Charles Ruff, committed to many of those interested in this issue that he would consult with the Department of Justice and make a recommendation to me before he left the counsel position. Pursuant to this commitment, I received his recommendation in early August. As he recently indicated to the *New York Times*, his recommendation and my decision were based on our view of the merits of the requests -- political considerations played no role in the process.

As you know, last week I asserted executive privilege in the face of Chairman Burton's subpoena seeking memoranda and testimony concerning the decision process. I did so, after receiving the opinion of the Attorney General that such assertion was proper, as the demand clearly intruded on areas reserved to the President under the Constitution.

Grants of clemency generate passionate views. In vesting the pardon power in the President alone, the framers of our Constitution ensured that clemency could be given even in cases that might be unpopular and controversial. The history of our country is full of examples of clemency with which many disagreed, sometimes fervently. When Theodore Roosevelt granted amnesty to Filipino nationals who attempted to overthrow U.S. control of the Philippines, when Harry Truman commuted the death sentence of Oscar Collazo, and when Jimmy Carter commuted the sentence of Collazo and other Puerto Rican nationalists who had

fired upon the House of Representatives, they exercised the power vested them by the Constitution to do what they believed was right, even in the face of great controversy. I have done the same.

I hope this information is helpful in understanding my decision and that you will share it with members of your Committee and others who might find it useful.

Sincerely,

Bill Clinton

EXHIBIT 8

MEMORANDUM

TO: JEFFREY FARROW
FROM: MAYRA MARTINEZ-FERNANDEZ
DATE: OCTOBER 24, 1994
RE: THE PUERTO RICAN POLITICAL PRISONERS

Background Information
There are 15 Puerto Rican political prisoners currently serving extraordinarily lengthy sentences in federal prisons. Most of them have already served more than ten and thirteen years in prison. These individuals have not killed anybody. They have been persecuted because of their commitment and activism in support of Puerto Rican independence.

Most of them were convicted of seditious conspiracy. They did not defend themselves alluding to their international right to declare themselves anti-colonial freedom fighters (prisoners of war - in accordance with General Assembly Resolution 2621, XXV, 12 October 1970, of which U.S. is a signatory). Therefore, they face sentences that range from 55 years to life in prison. These sentences and the time already served are far longer than the average time served in the U.S. for the most heinous offenses against society, and far longer than the average time served by political prisoners in other countries!

The call for their release enjoys wide support in the U.S., Puerto Rico, and internationally. As you know, when it comes to politics, Puerto Ricans don't agree on many things. However, most Puerto Ricans agree that their sentences should be commuted by President Clinton. Governor Rosello has stated his belief that the prisoners have already served a reasonable time in prison. Rafael Hernandez Colon, Rep. Velazquez, Rep. Gutierrez, among many others, have publicly expressed their support for the prisoners release.

Many civic and religious organizations have also joined in the call for their release, including the Puerto Rican Bar Association, the National Conference of Black Lawyers, the United Church of Christ, and the National Lawyers Guild; as well as many municipal governments throughout Puerto Rico (both PPD and PNP), the City Council of the City of New York (they approved a resolution), and David Dinkins.

A petition for the release of the prisoners was already presented to the U.S. Pardon Attorney Margaret Colgate Love on November 9, 1994. She has not replied. The three Puerto Rican Congresspersons sent a letter to Janet Reno requesting a meeting to discuss this issue. She has not replied.

The release of these Puerto Rican men and women would be welcomed as a show of good faith and a gesture to demonstrate that reconciliation, peace-making and human rights (as well as the resolution of the situation in Puerto Rico) are among Clinton's priorities. This could be a tangible accomplishment of the Working Group that not only enjoys wide support in the U.S., Puerto Rico, and internationally, but that is fairly easy to accomplish and will have a positive impact among strategic Puerto Rican communities in the U.S. (read, voters).

As you know, on Saturday, October 22, I attended Boricua First as an observer. In attendance were about 450 Puerto Rican political, civic, grassroots, business and religious leaders from all over the U.S., including the three Puerto Rican Congresspersons and other prominent Puerto Rican elected officials such as the NY State Senator, Efrain Gonzalez, Chairman of the National Association of Hispanic State Elected Officials. There, "populares, estadistas e independentistas" presented and approved only one resolution. The resolution reads, in part:

"Be it therefore resolved that in this spirit of reconciliation throughout the world, Boricua First name a delegation, to include the three Puerto Rican U.S. Congressional Representatives, to meet with the Attorney General and the President of the United States to ask that the President use the powers of his office, and, following the 1979 precedent of then President Jimmy Carter, grant immediate and unconditional release to these fifteen Puerto Rican women and men in prison for their pro-independence activities."

<u>On a Personal Note</u>
The release of these 15 Puerto Ricans is of special significance to me. I know most of these people's families. I know of their hard work and contributions to Chicago's Puerto Rican community. They are truly good people who are where they are for wanting their country to be free. That is not a crime. The history of the birth of this country clearly demonstrates the burning desire of a people to be free from colonial control. As a Puerto Rican, I feel I own them for their sacrifice. As people who love and value democracy and liberty, I feel that this Administration should take a stand for what they believe in, and set an example for other countries to follow by setting free 15 of their own political prisoners.

<u>Recommendations</u>
The Inter-Agency Working Group on Puerto Rico should send a memo to President Clinton providing him with some background information on this issue and the following recommendations:
1. To instruct his scheduler to immediately grant a meeting to the three Puerto Rican Congresspersons, when requested.
2. To instruct his staff to start looking into the process of commuting sentences.

EXHIBIT 9

ESTRATEGIA

I. Congressional

1. Velázquez, Gutiérrez and Serrano's staff calling WH and Justice Legislative Affairs requesting response to letter to President and Janet Reno, respectively.

2. Velázquez, Gutiérrez and Serrano approaching other members to write letters to President.

- Rangel — Richardson
- Hispanic Caucus — Becerra — Tores
- Lincoln-Díaz Balart — Pastor
- Ileana Ros-Lehtinen — Shakar
- Bob Menéndez — M. Fumme

3. Velázquez, Gutiérrez and Serrano not voting with President on some impt. legislation unless he commits to release prisoners right after 1996 elections.

S, 1a

II. State → Politicians

1. Contact IL Attorney General trying to influence his recommendation.

2. Request letters of support to be sent to President from:

- Dennis Rivera
- Freddie Ferrer
- Efrain Gonzalez (National Assn. of Hispanic CAs)
- Daley < Billy or Luis of Ben Reyes
- Juliani < Liz Colon or Ruben Franco
- Roberto Ramirez

III. Grassroots

1. Continue to send thousands of letter of support to WH, concentrate efforts in NY, PA, IL, CT, MA.

"As a Democrat voter..."

2. NON PR writing as well (i.e. Ben Chavis

IV. Meetings

1. Request a meeting with Margaret Colgate Love:
   - Gutiérrez
   - Reverends (Yazutaki, African Americans, Latinos with clerical neck)
   - Jon Sudler
   - Dr. Nuiss Falcón
   - Michael Deutch
   - José López
   - Some of the grandchildren of the prisoners
   - Millie Rivera
   - Juan Figueroa
2. Some of this same people should meet with Pres. Carter and request a letter to President
3. The three Congressmen to get meeting with Clinton and Janet Reno. Don't give up, NOT settling for less.

4. Meeting with O'Connor (7/12 requesting letter to President.
5. Boricua First delegation meeting with Suzanna Valdez [coordinated by Manny Mirabal]. [including Dennis Rivera.]

V. Support National Org.

1. MALDEF (Juan Figueroa)
2. NALEO (Jesús García)
3. NAACP
4.

VI. Media

1. F.D. liberal reporters in key media outlets.
2.

★ Convención Demócrata en Chicago

EXHIBIT 10

Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DONE at the City of Washington this 11th day of August in the year of our Lord One Thousand Nine Hundred and Ninety-Nine and of the Independence of the United States the Two Hundred and Twenty-Fourth.

William J. Clinton

William J. Clinton
President

EXHIBIT 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 83 CR 494
	)	Violations: Title 18, United States Code, Sections 371, 842(j), 1951, 2312, and 2384, and Title 26, United States Code, Sections 5861(d) and 5861(i).
ALEJANDRINA TORRES,	)	
EDWIN CORTES,	)	
ALBERTO RODRIGUEZ, and	)	
JOSE RODRIGUEZ	)	

The SPECIAL MARCH 1981 GRAND JURY charges:

1. From on or about June 14, 1975, and continuously thereafter, up to and including June 29, 1983, in the Northern District of Illinois, Eastern Division, and elsewhere, a group of persons willfully and knowingly combined, conspired, confederated and agreed together with each other to oppose by force the authority of the government of the United States.

2. It was a part of the said conspiracy that prior to June 14, 1975, the conspirators would form an underground terrorist group known as the Fuerzas Armadas de Liberacion Nacional Puertorriquena (Armed Forces of Puerto Rican National Liberation) or FALN. The stated purposes of this group were to obtain the release from federal prison of various convicted felons who were members of the group and to bring about the political independence of Puerto Rico from the United States by force and violence and by armed revolution against the United States.

3. It was further a part of the said conspiracy that the conspirators would seek to achieve their goals and thereby oppose by force the authority of the government of the United States by means of force, terror and violence, including the construction and planting of explosive and incendiary devices at banks, stores, office buildings and government buildings, including the following locations and dates:

CENTRAL FILE
FOIA EXEMPT FILE 090060

LOCATION	DATE
Mid-Continental Bank 53 East Monroe Street Chicago, Illinois	June 14, 1975
United of America Bank 1 East Wacker Drive Chicago, Illinois	June 14, 1975
Continental Illinois National Bank 231 South LaSalle Street Chicago, Illinois	October 27, 1975
IBM Building 333 North State Street Chicago, Illinois	October 27, 1975
Sears Tower 231 South Wacker Drive Chicago, Illinois	October 27, 1975
Standard Oil of Indiana Building 200 East Randolph Street Chicago, Illinois	October 27, 1975
Bonwit-Teller Store 875 North Michigan Avenue Chicago, Illinois	June 7, 1976
Bank Leumi Le Israel 100 North LaSalle Street Chicago, Illinois	June 7, 1976
First National Bank of Chicago One First National Plaza Chicago, Illinois	June 7, 1976
Chicago Police Department Headquarters 1121 South State Street Chicago, Illinois	June 7, 1976
Marshall Field and Company 111 North State Street Chicago, Illinois	June 21, 1976
Marshall Field and Company 111 North State Street Chicago, Illinois	September 15, 1976
Nimpex Building 734 North LaSalle Street Chicago, Illinois	September 10, 1976

F.O.I. EXEMPT

LOCATION	DATE
Holiday Inn 644 North Lake Shore Drive Chicago, Illinois	September 10, 1976
Merchandise Mart Merchandise Mart Plaza Chicago, Illinois	February 18, 1977
U.S. Gypsum Building 101 South Wacker Drive Chicago, Illinois	February 18, 1977
County Building 118 North Clark Street Chicago, Illinois	June 4, 1977
United States Post Office Main Branch 433 West Van Buren Street Chicago, Illinois	October 11, 1977
National Guard Armory 1551 North Kedzie Avenue Chicago, Illinois	October 15, 1977
J.C. Penney Woodfield Mall Schaumberg, Illinois	June 24, 1978
Marshall Field & Company Woodfield Mall Schaumberg, Illinois	June 24, 1978
Sears, Roebuck and Company Woodfield Mall Schaumberg, Illinois	June 24, 1978
Republican Party Office 127 North Dearborn Street Chicago, Illinois	October 17, 1979
County Building 118 North Clark Street Chicago, Illinois	October 17, 1979
Great Lakes Naval Base North Chicago, Illinois	October 18, 1979

F.O.I. EXEMPT

LOCATION	DATE
United States Military Recruiting Office 1940 West Irving Park Road Chicago, Illinois	November 23, 1979
United States Military Recruiting Office 4654 South Ashland Avenue Chicago, Illinois	November 23, 1979
Illinois Naval Militia Building 401 East Randolph Street Chicago, Illinois	November 24, 1979

4. It was a further part of the said conspiracy that the conspirators would claim credit in the name of the FALN for certain of the above-listed bombings through either telephone calls or typed communiques.

5. It was further a part of the conspiracy that the conspirators would obtain, fabricate, stockpile and maintain at various locations bombing paraphernalia such as dynamite, blasting caps, detonation cord, and watches altered to serve as detonation timing devices.

6. It was further a part of the conspiracy that the conspirators would commit armed robberies for the purpose of training members of the underground terrorist group and to obtain money and property to fund and support terrorist activities.

7. It was further a part of the said conspiracy that the conspirators would steal motor vehicles and would transport, conceal and maintain such stolen vehicles.

8. It was further a part of the said conspiracy that the conspirators would obtain, transport, stockpile, and conceal a variety of weapons, including handguns, rifles, and ammunition.

9. It was further a part of the conspiracy that the conspirators would obtain and use disguises such as wigs, fake mustaches and certain articles of clothing.

10. It was further a part of the said conspiracy that the conspirators would establish false identities and would obtain and use false and stolen identification documents such as social security cards, driver's licenses, and birth certificates.

FOIA EXEMPT 000033

11. It was further a part of the said conspiracy that the conspirators would maintain "safe houses" in which they could meet and store the paraphernalia with which they sought to achieve the goals of their conspiracy.

12. It was further a part of the said conspiracy that the conspirators would portray themselves as members of a clandestine army.

13. Between June 14, 1975 and June 29, 1983, the exact dates being unknown to the grand jury, ALEJANDRINA TORRES, EDWIN CORTES, ALBERTO RODRIGUEZ and JOSE RODRIGUEZ, defendants herein, and William Morales, who is not named as a defendant, wilfully joined and knowingly became members of and participants in said conspiracy.

OVERT ACTS

In furtherance of the conspiracy and to affect the objects thereof, the defendants performed the following overt acts:

A. CLANDESTINE PROCEDURES

14. From some time prior to January 1, 1983, and continuously thereafter until June 29, 1983, the defendants, ALEJANDRINA TORRES and EDWIN CORTES, maintained apartments ("safe houses") at 736 West Buena, Chicago, Illinois, and 1135 West Lunt, Chicago, Illinois, in the false names Luis Berrios and John Bell, respectively. At those safe-house apartments, a variety of materials were variously stockpiled, including:

a. dynamite;

b. weapons;

c. ammunition;

d. blasting caps;

e. pipe bomb components;

f. bullet proof vests;

g. radio equipment and scanners; and

h. disguises.

E01 EXEMPT

15. On April 17, 1983, defendants ALBERTO RODRIGUEZ and JOSE RODRIGUEZ met at the safe-house apartment at 1135 West Lunt and discussed FALN activities and matters including the following:

a. the central goal of breaking out currently incarcerated FALN members from state and federal prisons;

b. the acquisition of sets of false identification;

c. the desirability of using code names;

d. methods of avoiding law enforcement surveillance, including reversible jackets, disguises, and circuitious journeys;

e. the sharing of stolen funds by one FALN group with others around the country; and

f. the importance of JOSE RODRIGUEZ' maintenance of his job and gradual reduction of his role in Puerto Rican independence activities in order to conceal his new role as a clandestine FALN member.

B. ATTEMPTED ESCAPE OF OSCAR LOPEZ

16. On February 21, 1983, defendants ALEJANDRINA TORRES and EDWIN CORTES met at the safe-house apartment at 736 West Buena, Chicago, and plotted the escape of incarcerated FALN members.

17. On February 28, 1983, defendants ALEJANDRINA TORRES and EDWIN CORTES met at the apartment on Buena Street and discussed travel plans and the need for dynamite.

18. On March 8, 1983, defendants ALEJANDRINA TORRES and EDWIN CORTES met at the apartment on Buena Street and disassembled, cleaned and reassembled six handguns, worked with various bomb components, including batteries, watches and blasting caps, and discussed plans to affect an escape from the federal penitentiary at Leavenworth, Kansas, where FALN leader Oscar Lopez was incarcerated.

F.O.I. EXEMPT

090065

19. Shortly after midnight on Tuesday, March 15, 1983, defendant ALEJANDRINA TORRES met defendant EDWIN CORTES and an unknown male at the Buena Street apartment.

20. In the early morning of March 15, 1983, the unidentified male and defendant EDWIN CORTES departed the Buena Street safe house and drove from the area in a 1975 Chevrolet Malibu registered in the name "Eduardo Diaz."

21. In the early morning of March 15, 1983, defendant ALEJANDRINA TORRES departed the Buena Street safe-house and drove from the area in a 1981 Pontiac Phoenix, which was reportedly stolen from National Car Rental at Midway Airport in July, 1981.

22. On the morning of Friday, March 18, 1983, defendants EDWIN CORTES and ALEJANDRINA TORRES and the unidentified male waited in Leavenworth, Kansas, in the parking lot of Wadsworth Medical Center Hospital, the hospital to which incarcerated FALN leader Oscar Lopez was to be transferred that morning.

C. THE C.T.A. ROBBERY PLAN

23. On Sunday, April 10, 1983, defendant EDWIN CORTES met defendant ALBERTO RODRIGUEZ at the safe-house apartment located at 1135 West Lunt, Chicago, Illinois, and discussed, among other things, plans to rob a Chicago Transit Authority (CTA) daily receipts collector.

24. On Sunday, April 17, 1983, defendants ALBERTO RODRIGUEZ and JOSE RODRIGUEZ met at the apartment on Lunt Avenue and, among other things, discussed a robbery for which plans were being made.

25. At approximately 10:30 p.m. on April 27, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ met near the Fullerton Avenue elevated train station at Fullerton near Sheffield Avenue. ALBERTO RODRIGUEZ waited outside the station and conducted surveillance there for approximately an hour while CORTES entered and exited the station several times. The two men left the area together at approximately 11:45 p.m.

F.O.I. EXEMPT

26. On the morning of May 15, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ met at Apartment 211, 1135 West Lunt, and discussed plans to rob a CTA fare collector, including the possibility of shooting someone during the course of the robbery.

27. On the evening of May 16, 1983, the defendant ALEJANDRINA TORRES drove the defendant EDWIN CORTES to the North and Clybourn subway station in Chicago where the defendant CORTES conducted surveillance for approximately forty minutes and then left the area in a taxicab at approximately 11:00 p.m.

28. On the evening of May 17, 1983, the defendant JOSE RODRIGUEZ went to the North and Clybourn subway station, conducted surveillance there for approximately twenty-five minutes and left the area at approximately 11:00 p.m.

29. On the evening of May 18, 1983, the defendant ALBERTO RODRIGUEZ went to the North and Clybourn subway station and conducted surveillance there for approximately fifteen minutes at which time he was stopped and questioned by Chicago Police officers.

30. On May 31, 1983, defendants EDWIN CORTES and ALEJANDRINA TORRES met at the safe-house apartment on West Lunt and discussed, among other topics, the cancellation of plans to rob a CTA employee because ALBERTO RODRIGUEZ (who was referred to as a "comrade") had been stopped and questioned by police while he was "casing" the targeted CTA station.

D. THE PLANNED HARBORING OF FUGITIVE WILLIAM MORALES

31. On April 11, and April 28, 1983, defendants EDWIN CORTES and ALEJANDRINA TORRES met at the safe-house apartment on Buena Street and, among other things, discussed plans to attempt to bring to the United States fugitive FALN leader William Morales whom they referred to as "Jorge" and who had escaped from custody in 1979 after he was sentenced to 89 years incarceration on explosive charges.

FOI EXEMPT 090067

32. On May 19, 1983, defendant ALEJANDRINA TORRES went to the Buena Street apartment, placed a telephone call to fugitive FALN leader William Morales in Puebla, Mexico, and discussed plans to bring Morales to the United States.

33. On the evening of May 27, 1983, namely, the evening following the arrest of William Morales in Puebla, Mexico, defendant EDWIN CORTES removed numerous articles from Apartment 505, 736 West Buena, Chicago, Illinois and took the articles to Apartment 211, 1135 West Lunt, Chicago, Illinois.

34. On the evening of May 27, 1983, the defendant ALBERTO RODRIGUEZ followed the defendant EDWIN CORTES from the area of 736 West Buena to the area of 1135 West Lunt, Chicago, Illinois, and then met with the defendant EDWIN CORTES at Apartment 211, 1135 West Lunt, Chicago, Illinois, where they concealed the articles that Cortes brought from the Buena Street apartment.

35. On the evening of May 31, 1983, defendants ALEJANDRINA TORRES and EDWIN CORTES met at the safe-house apartment on Lunt Street and, among other things, discussed the arrest of William Morales, speculated that the arrest may have resulted from ALEJANDRINA TORRES' telephone call to Morales, and agreed not to utilize the telephone at the Buena Street apartment further.

E. THE PLANNED BOMBINGS OF U.S. MILITARY FACILITIES

36. On June 1, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ met at Apartment 211, 1135 Lunt Street and discussed plans to continue to study United States military facilities in the Chicago metropolitan area. At this meeting, CORTES also instructed RODRIGUEZ in manufacturing firing mechanisms for an explosive device.

37. During the early morning of June 2, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ drove together through the area near Foster and Kedzie Avenues, in the vicinity of two U.S. military facilities, namely, a Marine training center at 3040 W. Foster Avenue, Chicago, and a U.S. Army Reserve training center at 6230 N. Kedzie Avenue, Chicago.

F.O.I. EXEMPT

38. On June 8, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ drove together in the area of Kedzie, Foster and Bryn Mawr Avenues, Chicago, and drove around the U.S. military facility located there.

39. On Tuesday, June 28, 1983, defendants ALEJANDRINA TORRES and EDWIN CORTES met at the Lunt Avenue safe-house apartment and reviewed a "communique" which was to be published in conjunction with the planned bombings.

40. On Tuesday, June 28, 1983, following his meeting with TORRES, defendant EDWIN CORTES met at the Lunt Avenue apartment with defendant ALBERTO RODRIGUEZ and discussed plans to place bombs at a military facility.

41. During the early morning of June 29, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ drove together in the vicinity of the U.S. military facilities near Foster and Kedzie Avenues.

In violation of Title 18, United States Code, Section 2384.

F.O.I. EXEMPT

possessing firearms w/o registering w/ Nat'l Firearms Reg.

COUNT TWO

The SPECIAL MARCH 1981 GRAND JURY further charges:

On or about March 9, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES and
EDWIN CORTES,

defendants herein, did knowingly and unlawfully possess "firearms" (as that term is defined in Title 26, United States Code, Section 5845(a)) in the form of destructive devices consisting of the following parts:

Approximately 21 pounds, six ounces of dynamite,

Approximately 25 feet of Ensign-Bickford Brand "E-Cord" detonating cord,

10 non-electric blasting caps,

14 electric blasting caps,

Electric batterys,

Watches,

Safety fuse,

Insulated wire,

Battery connectors;

which firearms were not registered to them in the National Firearms Registration and Transfer Record;

In violation of Title 26, United States Code, Section 5861(d).

FOI EXEMPT

unlawfully storing explosives

COUNT THREE

The SPECIAL MARCH 1981 GRAND JURY further charges:

On or about March 9, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES and
EDWIN CORTES,

defendants herein, did store the following explosive materials:

Approximately 21 pounds, six ounces of dynamite,

Approximately 25 feet of Ensign-Bickford brand "E-Cord" detonating cord,

10 non-electric blasting caps,

14 electric blasting caps;

in a manner not in conformity with the regulations promulgated by the Secretary of the Treasury for the storage of such explosives, to wit, the regulations contained in Title 27 of the Code of Federal Regulations, Sections 55.201-55.203, 55.205-55.211 and 55.213;

In violation of Title 18, United States Code, Section 842(j).

FOI EXEMPT 090071

COUNT FOUR

The SPECIAL MARCH 1981 GRAND JURY further charges:

1. During the period from at least on or about March 8, 1983, through on or about June 29, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES
EDWIN CORTES, and
ALBERTO RODRIGUEZ,

knowingly conspired together to commit an offense against the United States, to wit, to make "firearms" (as that term is defined in Title 26, United States Code, Section 5845(a)) in the form of destructive devices consisting of the following items:

Approximately 21 pounds, six ounces of dynamite,

Approximately 25 feet of Ensign-Bickford Brand "E-Cord" detonating cord,

10 non-electric blasting caps,

14 electric blasting caps,

Electric batterys,

Watches,

Safety fuse,

Insulated wire,

Battery connectors,

Metal pipes and end caps;

without obtaining the prior approval of the Secretary of the Treasury or his delegate as required by Title 26, United States Code, Section 5822, in violation of Title 26, United States Code, Section 5861(f).

2. It was a part of said conspiracy that the defendants ALEJANDRINA TORRES and EDWIN CORTES maintained apartments ("safe houses") at 736 West Buena, Chicago, Illinois and at 1135 West Lunt, Chicago, Illinois, in the false names of Luis Berrios and John Bell, respectively.

3. It was further a part of the conspiracy that explosives and items which could be used with explosives to make explosive bombs were stored in the Buena safe house. These explosives and explosives related materials included the items described in paragraph one of this Count.

4. It was further a part of the conspiracy that the defendants ALEJANDRINA TORRES and EDWIN CORTES, met in the Buena safe-house and prepared firing systems which could be used to detonate explosive devices.

5. It was further a part of the conspiracy that in May, 1983, the defendants ALEJANDRINA TORRES and EDWIN CORTES, abandoned the use of the Buena safe house, and moved the explosives related materials, and certain items which had been substituted for the explosives, to the Lunt safe house. These explosives and explosives related materials included the items described in paragraph one of this Count.

6. It was further a part of the conspiracy that the defendants EDWIN CORTES and ALBERTO RODRIGUEZ met at the Lunt safe house, and discussed the construction of timing devices for the detonation of explosive devices.

OVERT ACTS

In furtherance of the conspiracy, and to affect its objects, the defendants committed one or more of the following overt acts.

1. On or about March 8, 1983, defendants EDWIN CORTES and ALEJANDRINA TORRES met at the Buena safe house and prepared explosives firing systems.

2. On or about June 1, 1983, defendants EDWIN CORTES and ALBERTO RODRIGUEZ, met at the Lunt safe house and discussed the preparation of explosives timing systems.

FAI EXEMPT 090073

COUNT SIX

The SPECIAL MARCH 1981 GRAND JURY further charges:

During the period from on and about April 6, 1983, through on and about June 29, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES
EDWIN CORTES, and
ALBERTO RODRIGUEZ,

defendants herein, did knowingly and unlawfully possess a "firearm" (as that term is defined in Title 26, United States Code, Section 5845(a)) in the form of:

an 18 1/8 inch long silencer composed of two pieces, threaded to fit a 45 caliber weapon,

which firearm was not registered to them in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d).

FOI EXEMPT

COUNT SEVEN

The SPECIAL MARCH 1981 GRAND JURY further charges:

During the period from on or about April 6, 1983, through on and about June 29, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES
EDWIN CORTES, and
ALBERTO RODRIGUEZ,

defendants herein, did knowingly and unlawfully possess a "firearm" in the form of:

an 18 1/8 inch long silencer composed of two pieces, threaded to fit a 45 caliber weapon,

which firearm was not identified by a serial number as required by Title 26, United States Code, Section 5842;

In violation of Title 26, United States Code, Section 5861(i).

F.O.I. EXEMPT

COUNT EIGHT

The SPECIAL MARCH 1981 GRAND JURY further charges:

1. At all times material hereto, the Chicago Transit Authority was in the business of transporting passengers and in the course of its business it purchased various items, including passenger trains, which were produced and/or provided by manufacturers and suppliers in states other than the State of Illinois, and said items moved and were to move in interstate commerce from said manufacturers and suppliers outside the State of Illinois for use by the Chicago Transit Authority within the State of Illinois.

2. Beginning on or about April 10, 1983, and continuously thereafter until on or about June 1, 1983, at Chicago, in the Northern District of Illinois, Eastern Division,

ALEJANDRINA TORRES
EDWIN CORTES,
ALBERTO RODRIGUEZ, and
JOSE RODRIGUEZ,

defendants herein, knowingly and willfully did conspire to obstruct, delay, and affect commerce by robbery (as that term is defined in Title 18, United States Code, Section 1951(b)(1)), in that the defendants did conspire to unlawfully take money at gunpoint from a Chicago Transit Authority employee against the employee's will, by means of actual and threatened force and violence and by fear of injury to the employee;

In violation of Title 18, United States Code, Sections 1951.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY

JH/als/wpc

F.O.I. EXEMPT

EXHIBIT 12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 77 CR 886
	)	Violations: Title 18, United States Code, Sections 2, 924(b), 924(c), 1951, 2312, 2384; and Title 26, United States Code, Section 5861(d)
CARLOS ALBERTO TORRES, ELIZAM ESCOBAR, RICARDO JIMENEZ, OSCAR LOPEZ, ADOLFO MATOS, ALFREDO MENDEZ, DYLCIA PAGAN, ALICIA RODRIGUEZ, IDA LUZ RODRIGUEZ, LUIS ROSA, and CARMEN VALENTIN	)	

The SPECIAL APRIL 1980 GRAND JURY charges:

1. From on or about June 14, 1975, and continuously thereafter, up to and including the date of the filing of this indictment, in the Northern District of Illinois, Eastern Division, and elsewhere, a group of persons wilfully and knowingly combined, conspired, confederated and agreed together with each other to oppose by force the authority of the government of the United States.

2. It was a part of the said conspiracy that prior to June 14, 1975, the conspirators would form a clandestine group known as the Fuerzas Armades Liberacion Nacional Puertorriquena (Armed Forces of Puerto Rican National Liberation) or FALN. Among the stated purposes of this group were the obtaining of independence for Puerto Rico and the release from federal prison of various convicted felons.

3. It was further a part of the said conspiracy that the conspirators would seek to achieve their goals and thereby oppose by force the authority of the government of the United States by means of force, terror and violence, including the construction and planting of explosive and incendiary devices at banks, stores, office buildings and government buildings, including the following locations and dates:

LOCATION	DATE
Mid-Continental Bank 53 East Monroe Street Chicago, Illinois	June 14, 1975
United Bank of America 1 East Wacker Drive Chicago, Illinois	June 14, 1975
Continental Illinois National Bank 231 South LaSalle Street Chicago, Illinois	October 27, 1975
IBM Building 333 North State Street Chicago, Illinois	October 27, 1975
Sears Tower 231 South Wacker Drive Chicago, Illinois	October 27, 1975
Standard Oil of Indiana Building 200 East Randolph Street Chicago, Illinois	October 27, 1975
Bonwit-Teller Store 875 North Michigan Avenue Chicago, Illinois	June 7, 1976
Bank Leumi Le Israel 100 North LaSalle Street Chicago, Illinois	June 7, 1976

LOCATION	DATE
First National Bank of Chicago One First National Plaza Chicago, Illinois	June 7, 1[illegible]
Chicago Police Department Headquarters 1121 South State Street Chicago, Illinois	June 7, 1976
Marshall Field and Company 111 North State Street Chicago, Illinois	June 21, 1976
Marshall Field and Company 111 North State Street Chicago, Illinois	September 15, 1976
Nimpex Building 734 North LaSalle Street Chicago, Illinois	September 10, 1976
Holiday Inn 644 North Lake Shore Drive Chicago, Illinois	September 10, 1976
Merchandise Mart Merchandise Mart Plaza Chicago, Illinois	February 18, 1977
U. S. Gypsum Building 101 South Wacker Drive Chicago, Illinois	February 18, 1977
County Building 118 North Clark Street Chicago, Illinois	June 4, 1977
United States Post Office Main Branch 433 West Van Buren Street Chicago, Illinois	October 11, 1977
National Guard Armory 1551 North Kedzie Avenue Chicago, Illinois	October 15, 1977
J. C. Penney Woodfield Mall Schaumberg, Illinois	June 24, 1978

LOCATION	DATE
Marshall Field & Company Woodfield Mall Schaumberg, Illinois	June 24, 1978
Sears Roebuck & Company Woodfield Mall Schaumberg, Illinois	June 24, 1978
Republican Party Office 127 North Dearborn Street Chicago, Illinois	October 17, 1979
County Building 118 North Clark Street Chicago, Illinois	October 17, 1979
Great Lakes Naval Base North Chicago, Illinois	October 18, 1979
United States Military Recruiting Office 1940 West Irving Park Road Chicago, Illinois	November 23, 1979
United States Military Recruiting Office 4654 South Ashland Avenue Chicago, Illinois	November 23, 1979
Illinois Naval Militia Building 401 East Randolph Street Chicago, Illinois	November 24, 1979

4. It was a further part of the said conspiracy that the conspirators would claim credit in the name of the FALN for certain of the above-listed bombings through either telephone calls or typed communiques.

5. It was a further part of the said conspiracy that the conspirators concealed and maintained at 2659 West Haddon, Chicago, Illinois a quantity of explosive material and paraphernalia, including but not limited to the following:

(a) approximately 149 cartridges of Atlas Power Primer Dynamite;

(b) approximately 62 cartridges of DuPont 60% Extra Dynamite;

(c) approximately 50 pounds of DuPont Anfo-BP, Nitro-Carbo-Nitrate;

(d) approximately 995 feet of Ensign-Bickford P-Cord detonating cord;

(e) approximately 12 DuPont Mark V Acudet electric blasting caps;

(f) approximately 22 propane gas tanks of assorted makes and colors;

(g) watches altered to serve as detonation timing devices;

(h) ignitor, transistor and lantern batteries of assorted sizes, battery holders and battery connectors; and

(i) an assortment of black plastic electrical tape.

6. It was further a part of the conspiracy that the conspirators would obtain, fabricate, stockpile and maintain at various other locations bombing paraphernalia such as dynamite, blasting caps, incendiary materials, propane gas tanks, batteries and watches altered to serve as detonation timing devices.

7. It was further a part of the said conspiracy that the conspirators would at gunpoint take over the Carter-Mondale re-election headquarters in Chicago.

8. It was further a part of the said conspiracy that the conspirators would send threatening communications through the United States mails.

9. It was further a part of the conspiracy that the conspirators would obtain money and equipment through armed robbery.

10. It was further a part of the said conspiracy that the conspirators would steal cars and trucks and would transport, conceal and maintain such stolen vehicles.

11. It was further a part of the said conspiracy that the conspirators would obtain, transport, stockpile, conceal and carry on their persons a variety of weapons, including handguns, rifles, shotguns, and sawed-off shotguns, and ammunition.

12. It was further a part of the said conspiracy that the conspirators would gather information and establish intelligence and background files and dossiers on prominent persons in government, business and community affairs in preparation for further acts of violence and terrorism.

13. It was further a part of the said conspiracy that the conspirators would gather information and establish intelligence and background files and dossiers on business entities in preparation for further acts of violence and terrorism.

14. It was further a part of the said conspiracy that the conspirators would obtain and use disguises such as wigs, fake mustaches and certain articles of clothing.

15. It was further a part of the said conspiracy that the conspirators would establish false identities and would obtain, carry and use false and stolen identification documents such as social security cards, driver's licenses, birth certificates and student identity cards.

16. It was further a part of the said conspiracy that the conspirators would maintain "safe houses" using false identities in which they could meet and store the paraphernalia with which they sought to achieve the goals of their conspiracy.

17. It was further a part of the said conspiracy that the conspirators would portray themselves as members of a clandestine army.

18. Between June 14, 1975, and April 4, 1980, the exact date to the grand jury unknown, CARLOS ALBERTO TORRES, ELIZAM ESCOBAR, RICARDO JIMENEZ, OSCAR LOPEZ, ADOLFO MATOS, ALFREDO MENDEZ, DYLCIA PAGAN, ALICIA RODRIGUEZ, IDA LUZ RODRIGUEZ, LUIS ROSA, CARMEN VALENTIN, defendants herein, and Marie Haydee Torres and William Morales, who are not named as defendants, wilfully joined and knowingly became members of and participants in the said conspiracy.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants performed the following overt acts:

19. Paragraphs three through seventeen are hereby incorporated as overt acts.

20. Between on or about August 1, 1976, and on or about September 30, 1976, the exact date to the grand jury unknown, in the Northern District of Illinois, Eastern Division, the defendants CARLOS ALBERTO TORRES and OSCAR LOPEZ possessed and carried a variety of materials into the Third Floor Apartment at 2659 West Haddon Street, Chicago, Illinois, including a black footlocker, and a duffel bag which contained approximately 211 sticks of dynamite.

21. On or about September 10, 1976, the exact date to the grand jury unknown, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant CARLOS ALBERTO TORRES possessed a typewriter which typed the FALN communique claiming credit for the September 10, 1976 bombings of the Holiday Inn and the Nimpex Building previously referred to in paragraph three.

22. Between January 31, 1979 and April 7, 1980, the defendants, OSCAR LOPEZ and IDA LUZ RODRIGUEZ, maintained a home at 2553 North Ninth Street, Milwaukee, Wisconsin, in the false names Alexander Gonzalez and Carmen Ayala Gonzalez. At that residence, a variety of materials were stockpiled, including:

(a) disguises;

(b) weapons;

(c) ammunition;

(d) handcuffs;

(e) blasting cap legwire;

(f) pipe bomb components;

(g) communications gear;

(h) FALN literature;

(i) a duplicating machine;

(j) a stencil used to produce intimidating letters; and

(k) a makeshift soundproof weapons firing booth with target range.

23. Between July, 1978 and April 4, 1980, defendant CARLOS ALBERTO TORRES and MARIE HAYDEE TORRES maintained a residence located at 2685 Kennedy Boulevard, Jersey City, New Jersey, in the false identity James Bonk, where they stored:

(a) blasting caps;

(b) pipe bomb components;

(c) a military booby trap simulator;

(d) batteries and electrical components;

(e) detonation timers made from altered wrist watches;

(f) propane gas tanks;

(g) diagrams and documents relating to various other targets;

(h) background information on various individuals in both the public and the business sectors;

(i) handcuffs; and

(j) various FALN documents and communiques.

24. On or about April 4, 1980, ELIZAM ESCOBAR, RICARDO JIMENEZ, OSCAR LOPEZ, ADOLPO MATOS, ALFREDO MENDEZ, DYLCIA PAGAN, ALICIA RODRIGUEZ, IDA LUZ RODRIGUEZ, LUIS ROSA, CARLOS ALBERTO TORRES and CARMEN VALENTIN traveled to Evanston, in the Northern District of Illinois.

25. On or about April 4, 1980, ELIZAM ESCOBAR, RICARDO JIMENEZ, ADOLFO MATOS, ALFREDO MENDEZ, DYLCIA PAGAN, IDA LUZ RODRIGUEZ, MARIE HAYDEE TORRES, CARLOS ALBERTO TORRES and CARMEN VALENTIN, at Evanston, in the Northern District of Illinois, did conceal and possess a sawed-off shotgun, that is, Winchester Model 101 over and under 12 gauge, serial number 93486.

26. On or about April 4, 1980, at Evanston, in the Northern District of Illinois, the defendants LUIS ROSA and ALICIA RODRIGUEZ did possess a white Ford Econoline truck, VIN E:37 HEDJ8503 which was taken at gunpoint from the Evanston, Illinois Budget Rent-a-Car Office earlier that day.

27. On or about April 4, 1980, at Evanston, in the Northern District of Illinois, defendant LUIS ROSA was armed with a loaded Rohm .38 caliber revolver, serial number 22083 and defendant ALICIA RODRIGUEZ was armed with a loaded Colt Detective Special, .38 caliber revolver, serial number 490180.

28. On or about April 4, 1980, at Evanston, in the Northern District of Illinois, defendant IDA LUZ RODRIGUEZ was armed with a loaded F. B. Random Vis 9mm parabellum semi-automatic pistol with an obliterated serial number and defendant CARMEN VALENTIN was armed with a loaded Ruger .22 caliber semi-automatic pistol with an obliterated serial number.

29. On or about April 4, 1980, at Evanston, in the Northern District of Illinois, the defendants ELIZAM ESCOBAR, RICARDO JIMINEZ, ADOLFO MATOS, ALFREDO MENDEZ, DYLCIA PAGAN, and CARLOS ALBERTO TORRES were present in the back of 1975 Dodge Van VIN B25BF FX10 2633, along with the following weapons: two loaded Star 9mm parabellum semi-automatic pistols with serial numbers obliterated; a loaded High Standard .22 caliber semi-automatic pistol with serial number obliterated; a loaded Smith and Wesson .38 caliber revolver with serial number obliterated; and a loaded Colt .38 caliber revolver with serial number obliterated;

In violation of Title 18, United States Code, Section 2384.

COUNT TWO

The SPECIAL APRIL 1980 GRAND JURY further charges:

1. At all times material herein, Budget Rent-a-Car, Inc., 130 Chicago Avenue, Evanston, Illinois was in the business of renting motor vehicles which had been manufactured and produced in states other than the State of Illinois, which motor vehicles had moved and were moving in interstate commerce from outside the State of Illinois to Evanston, Illinois.

2. On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, and MARIE HAYDEE TORRES, who is not named as a defendant, did knowingly, wilfully and unlawfully commit robbery as that term is defined in Title 18, United States Code, Section 1951, which robbery would and did affect commerce, as that term is defined in the same section, in that the defendants did unlawfully take at gunpoint, by means of actual and threatened use of force, by violence and by fear of injury, a white, 14 foot Ford truck VIN E37HHDJ8503;

In violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, and MARIE HAYDEE TORRES, who is not named as a defendant, did knowingly and unlawfully possess a certain firearm, that is:

One Winchester, Model 101 over and under 12 gauge shotgun, serial number 93486, with a barrel length of 15 3/4 inches and an overall length of 32 1/2 inches,

which firearm was not registered to any of them in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841(a);

In violation of Title 26, United States Code, Section 5861(d) and Title 18, United States Code, Section 2.

COUNT FOUR

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
ADOLFO MATOS,
ALFREDO MENDEZ, and
DYLCIA PAGAN,

defendants herein, unlawfully did carry firearms, that is, the following:

(a) two loaded Star 9mm parabellum semi-automatic pistols with serial numbers obliterated;

(b) a loaded High Standard .22 caliber semi-automatic pistol with serial number obliterated;

(c) a loaded Smith and Wesson .38 caliber revolver with serial number obliterated; and

(d) a loaded Colt .38 caliber revolver with serial number obliterated;

during their commission of seditious conspiracy and interference with commerce by violence, felonies prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(2).

COUNT FIVE

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

LUIS ROSA,

defendant herein, unlawfully did carry a firearm, that is, the following:

a Rohm .38 caliber revolver,
serial number 22083,

during his commission of seditious conspiracy and interference with commerce by violence, felonies prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(2).

COUNT SIX

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

ALICIA RODRIGUEZ,

defendant herein, unlawfully did carry a firearm, that is, the following:

a Colt Detective Special .38 caliber revolver, serial number 490180,

during her commission of seditious conspiracy and interference with commerce by violence, felonies prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(2).

COUNT SEVEN

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

IDA LUZ RODRIGUEZ,

defendant herein, unlawfully did carry a firearm, that is, the following:

a Radom-Vis 9mm semi-automatic
pistol, serial number obliterated,

during her commission of seditious conspiracy and interference with commerce by violence, felonies prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(2).

COUNT EIGHT

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

CARMEN VALENTIN,

defendant herein, unlawfully did carry a firearm, that is, the following:

> a Ruger .22 caliber semi-automatic pistol with obliterated serial number,

during his commission of seditious conspiracy and interference with commerce by violence, felonies prosecutable in a court of the United States;

In violation of Title 18, United States Code, Section 924(c)(2).

COUNT NINE

The SPECIAL APRIL 1980 GRAND JURY further charges:

On or about April 4, 1980, at Evanston, in the Northern District of Illinois, Eastern Division,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ REDRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, knowingly did transport firearms, those being:

(a) a Winchester Model 101 over and under 12 gauge, serial number 93486;

(b) a loaded Rohm .38 caliber revolver, serial number 22083;

(c) a loaded Colt Detective Special .38 caliber revolver, serial number 490180;

(d) a loaded F. B. Random Vis 9mm parabellum semi-automatic pistol with serial number obliterated;

(e) a loaded Ruger .22 caliber semi-automatic pistol with serial number obliterated;

(f) two loaded Star 9mm parabellum semi-automatic pistols with serial numbers obliterated;

(g) a loaded High Standard .22 caliber semi-automatic pistol with serial number obliterated;

(h) a loaded Smith and Wesson .38 caliber revolver with serial number obliterated;

(i) a loaded Colt .38 caliber revolver with serial number obliterated;

(j) a High Standard 12 gauge pump action riot shotgun, serial number 3206994;

(k) a Heckler and Koch .22 caliber semi-automatic rifle with serial number obliterated; and

(l) a Firearms International .380 caliber semi-automatic pistol with serial number obliterated;

in interstate commerce from Milwaukee, Wisconsin to Evanston, Illinois, with intent to commit therewith offenses punishable by imprisonment for terms exceeding one year, that is, seditious conspiracy and interference with commerce by violence, in violation of Title 18, United States Code, Sections 2384 and 1951;

In violation of Title 18, United States Code, Section 924(b) and 2.

COUNT TEN

The SPECIAL APRIL 1980 GRAND JURY further charges:

Between on or about December 9, 1979, and on or about April 4, 1980,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
SYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, transported in interstate commerce a stolen motor vehicle, that is, a 1979 Ford Granada, VIN 9 W82L172838, from the State of New Jersey to Evanston, in the Northern District of Illinois, Eastern Division, and they then knew the motor vehicle to have been stolen;

In violation of Title 18, United States Code, Sections 2312 and 2.

COUNT ELEVEN

The SPECIAL APRIL 1980 GRAND JURY further charges:

Between on or about March 25, 1980, and on or about April 4, 1980,

CARLOS ALBERTO TORRES,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, transported in interstate commerce a stolen motor vehicle, that is, a 1978 Dodge Van, VIN B21BE8X143452, from the State of New York to Evanston, in the Northern District of Illinois, Eastern Division, and they then and there knew the motor vehicle to have been stolen;

In violation of Title 18, United States Code, Sections 2312 and 2.

COUNT TWELVE

The SPECIAL APRIL 1980 GRAND JURY further charges:

Between on or about December 12, 1979, and on or about April 4, 1980,

CARLOS ALBERTO TORRES,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, transported in interstate commerce a stolen motor vehicle, that is, a 1979 Ford Van, VIN E14GBFA4069, from the State of Wisconsin to Evanston, in the Northern District of Illinois, Eastern Division, and they then and there knew the motor vehicle to have been stolen;

In violation of Title 18, United States Code, Sections 2312 and 2.

COUNT THIRTEEN

The SPECIAL APRIL 1980 GRAND JURY further charges:

Between on or about July 5, 1979, and on or about April 4, 1980,

CARLOS ALBERTO TORRES,
ELIZAM ESCOBAR,
RICARDO JIMENEZ,
OSCAR LOPEZ,
ADOLFO MATOS,
ALFREDO MENDEZ,
DYLCIA PAGAN,
ALICIA RODRIGUEZ,
IDA LUZ RODRIGUEZ,
LUIS ROSA, and
CARMEN VALENTIN,

defendants herein, transported in interstate commerce a stolen motor vehicle, that is, a 1978 Chevrolet Impala, VIN IL 69U8J20827, from the State of Wisconsin to Evanston, in the Northern District of Illinois, Eastern Division, and they then and there knew the motor vehicle to have been stolen;

In violation of Title 18, United States Code, Sections 2312 and 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY

JDMargolis:db
353-5496

EXHIBIT 13

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
ARMED FORCES OF PUERTO RICAN NATIONAL LIBERATION

COMMUNIQUE NO.1 OCTOBER 26, 1974

Today, commando units of FALN attacked mayor Yanki corporations in New York City. These actions have been taken in commemoration of the October 30, 1950 uprising in Puerto Rico against Yanki colonial domination. These bombings are also to accent the seriousness of our demands for the release of the five Puerto Rican political prisoners, the longest held political prisoners in the hemisphere:

OSCAR COLLAZO, LOLITA LEBRON, RAFAEL CANCEL MIRANDA, ANDRES FIGUEROA CORDERO and IRVING FLORES, and the immediate and unconditional independence of Puerto Rico.

The corporations that we bombed are an integral part of Yanki monopoly capitalism and are responsible for the murderous policies of the Yanki government in Puerto Rico, Latin America, and against workers, peasants and Indios throughout the world. It is these corporations which are responsible for the robbery and exploitation of Third World countries in order to make greater profit and increase their capital. They are the ones which often decide who shall govern countries, who shall live and who shall die.

For these reasons these corporations and the criminals who run them are the enemies of all freedom loving people, who are struggling for self determination and the right to decide their own destinies.

POLICE LABORATORY, N. Y. C.
P. L. No.

We, the guerilleros of the FALN, have undertaken these bombings, not only against the presence of the yanki corporations in Puerto Rico, but as part of the international workers revolution and all people fighting for national liberation.

These actions, along with bombing of major department stores, for three consecutive days in late spring, and the dynamite blasts at Newark Police Headquarters and City Hall, demonstrate what we have said since 1969: that the Puerto Rican people organizing and arming in order to form a Peoples Revolutionary Army which will rid Puerto Rico of yanki colonialism. We have opened two fronts, one in Puerto Rico the other in the United States, both nourished by the Puerto Rican people and allies within Northamerica.

We are not pure militarists. Therefore we do not oppose those parties or people who believe in mass organization. However, to be truly revolutionary, a party must educate and organize the masses for the seizure of power by way of an organized and disciplined vehicle, a Peoples Revolutionary Army. A party which fails to do this falls into reformism and becomes an agent of the bourgeoisie for the continued exploitation and oppression of the people.

The importance of a Peoples Revolutionary Army is that it arms the masses, and produces cadres to lead the masses to victory and the development of a Marxist-Lennist Party, tried and tested under fire, which will educate and organize the people for the construction of a socialist society.

Finally, the FALN supports the demonstration, at Madison Square Garden, on Oct. 27, in support of the independence of Puerto Rico. We view this as a significant step in the formation

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of an anti-imperialist front, in the United States, which will support and fight for the national liberation of Puerto Rico, and educate the American people to the murderous and genocidal policies of the yanki capitalists throughout the world.

LONG LIVE FREE PUERTO RICO

LONG LIVE THE UNITY OF ALL PEOPLE IN STRUGGLE AGAINST IMPERIALISM.

FALN CENTRAL COMMAND

POLICE LABORATORY, N. Y. C.
P. L. No.

EXHIBIT 14

COMUNICADO #2 11 DE DICIEMBRE 1974

El Comando Tomas Lopez de Victoria del FALN, se responsabiliza por el ataque dinamitero contra miembros de la policia en EL BARRIO.

Esta es la respuesta del pueblo Puertorriqueno por el brutal asesinato de Martin "Tito" Perez por los animales sadicos del cuartel 25 la noche del domingo, 1ro. de diciembre.

El asesinato de Tito es solamente uno delos muchos ataques por la policia racista de nueva york contra las comunidades Boricuas y Negras.

Nuestro ataque contra estos animales no solamente nos venga la muerte de Tito sino nos da venganza por el asesinato de los muchachitos negros Clifford Glover y Claude Reese.

Cojemos esta oportunidad para dejarle saber a la policia que cualquier ataque contra nuestras comunidades o contra luchadores por la independencia de Puerto Rico sera resistido por la vanguardia armada del pueblo, la FALN.

Aunque apoyamos la demostracion que se llevo acabo frente City Hall el lunes, 9 de diciembre, nosotros estamos convencidos que la unica fuerza que el gobierno racista americano reconoce es la violencia revolucionaria.

El capitalismo yanki le debe su existencia a polizas racistas.

POLICE LABORATORY, N. Y. C.
P. L. No.

pagina 2

Ejemplos de estas polizas racistas son el genocidio perpetrado contra los indios, la esclavizacion de millones de Africanos, el bombardeo inhumano del pueblo Indochino y la esterilzacion masiva de miles de mujeres Puertorriquenas.

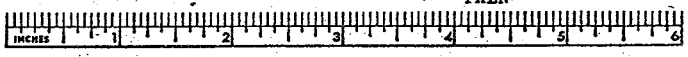
El racismo es manifestado en nuestras comunidades por la mala educacion, falta de adecuada atencion medica, bajos salarios, alto porcentaje de desempleo y la explotacion por los duenos de negocios y edificios.

Ya vemos que el racismo es una manifestacion del capitalismo que se puede eliminar solamente con la destrucion del sistema capitalista yanki.

Que este claro, por cada accion represiva tomada contra nuestras comunidades o contra independentistas la FALN respondera con violencia revolucionaria.

TITO, CLIFFORD, CLAUDE HEMOS VENGADO SUS MUERTES
INDEPENDENCIA INMEDIATA PARA PUERTO RICO
LIBERTAD PARA TODOS LOS PRESOS POLITICOA PUERTORRIQUENOS

COMANDO TOMAS LOPEZ DE VICTORIA
FALN



POLICE LABORATORY, N. Y. C.
P. L. No.
DATE

EXHIBIT 15

Comunique No.3 January 24, 1975

We, PALN, the Armed Forces of the Puerto Rican Nation take full responsibility for the especially detornated bomb that exploded today at Fraunces Tavern with reactionary corporate executives inside.

We did this in retaliation for the CIA ordered bomb that murdered Angel Luis Chavonnier and Eddie Ramos, two innocent young wprkers who suppoorted puerto Rican independence and the concienceless maiming of ten innocent persons and one beautiful Puerto Rican child six years old in a Mayaguez, Puerto Rico dining place on Saturday the eleventh of January of 1975.

The Yanki government is trying to terrorize and kill our people to intimidate us from seeking our rightful independence from colonialism. They do this in the same way as they did in Viet Nam, Guatemala, Chile, Argentina, Mexico, the Congo, Algeria and in many other places including the United States itself. But this CIA/Colby method will fail.

In our comunique number 2 we warned the North American Government that to terrorize and kill our people would mean retaliation by us. This was not an empty warning.

The bombs exploding in Puerto Rico and the United States in support of striking workers, in demand of the release of our political prisoners and our independence and to protest the Rockefeller - Kissinger visits, have avoided any injury to innocent people. The attacks on our people have been elevated vicious criminal brutality and murder of hungry hard working people. You have unleashed a storm from which you comfortable Yankis cannot escape.

Release OScar Callazo, Lolita Lebron, Rafael Cancel Miranda, Andres Figueroa Cordero, and Irving Flores.

FREEPUERTO Rico RIGHT NOW !

COMANDO GRISELIO TORRESOLA

POLICE LABORATORY, N. Y. C.

EXHIBIT 16

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

ARMED FORCES of PUERTO RICAN NATIONAL LIBERATION

April 2,1975 Communique #4

The FALN takes responsibility for the bombings of Yanki corporations in New York on April 2, 1975. These corporations are at the heart of Yanki imerialism. They are important decision makers in the planning of domestic and foreign policy and benefit from the exploitation and oppression of Puerto Rico and other third-world nations as well as the north american working-class.

While the working-class throughout the capitalist world suffers from recession and sinks deeper into poverty, the profits of these conglomerates continue to grow.

These actions are the continuation of an offensive aimed at gaining the independence of Puerto Rico and the release of five political prisoners, Lolita Lebron, Rafael Cancel Miranda, Andres Figueroa Cordero, Irving Flores, and Oscar Collazo.

We are especially concerned with the release right now of Figueroa Cordero who is dying of cancer. His death in prison will result in grave consequences for the Yanki Capitalist class.

The bombing of the Anglers Club; an exclusive millionaires club that boasts of members like the Rockefellers, was a retalitory attack against that sector of the North American ruling-class which is directly responsible for the actions of the C.I.A. and for the wave of repression which is being murderously implemented in Puerto Rico.

Our attack on January 24,1975 was not in anyway directed against working-class people or innocent North Americans. The targets of our attack were bankers, stock brokers, and important corporate executives of monopolies and multi-national corporations. These are not friends of the working people. But the enemies of humanity everywhere.

The bomb attack in Mayaguez, Puerto Rico was the most vicious of the 160 acts of C.I.A. terror in the last two years against the Puerto Rican people. The enemy has to resort to fascist terror because the contradictions in colonial Puerto Rico are being unmasked so rapidly that the only way they believe they can control the people is by instilling fear by the use of force.

To the FALN the issue is very clear; at no time can we allow an attack by the enemy upon our people to go unanswered. Fascist terror is met with revolutionary violence.

FREE PUERTO RICO NOW !

Release the five Puerto Rican political prisoners in Yanki jails !

COMANDO CENTRAL FALN

POLICE LABORATORY, N. Y. C.
P. L. No.
DATE

U.S. Department of Justice **EXHIBIT 17**

Office of Legislative Affairs

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

September 23, 1999

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

Dear Mr. Chairman:

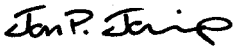
This responds to your subpoena, dated September 22, 1999, and questions raised at the Committee's hearing on September 21st regarding clemency for sixteen individuals.

Enclosed is the draft statement of Mr. Neil Gallagher, which was forwarded to the Department for review and comment in accordance with the usual intra-agency practice. In consultation with the FBI, we have redacted text from the statement that is subject to the President's assertion of executive privilege.

I also want to clarify the apparent confusion at the hearing about some of the documents we have produced. As we previously advised Committee staff, the petition for clemency filed in November 1993 on behalf of these individuals was furnished to the Committee on September 17, 1999 in the documents Bates stamped 259-421. The document referenced by Congressman Ose at the hearing yesterday, which we also furnished to the Committee as Bates number 1974, was prepared by the Department and signed by one of the sixteen individuals on September 7, 1999, indicating his agreement to the terms of the conditional clemency offer.

We expect to supplement this response with additional documents responsive to the Committee's subpoenas in the near future. Please do not hesitate to contact me if you would like additional information before then.

Sincerely,



Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DRAFT

Good morning Mr. Chairman and members of the sub-committee. I thank you for the opportunity to provide the FBI's input regarding the commutation of sentences extended to incarcerated members of Puerto Rican terrorist groups. I welcome the opportunity to explain the FBI's concern with and opposition to their release, and to provide the reasons underlying that opposition.

I would first like to briefly discuss the FBI's jurisdiction with respect to terrorism. The FBI defines terrorism as the unlawful use of force or violence against persons or property to influence or intimidate a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The FBI has the jurisdiction to investigate planned or actual incidents of terrorism. In addition, the FBI has the responsibility to investigate groups or enterprises which are engaged in or planning violence or crimes in furtherance of a political or social agenda. The FBI's mission is to investigate, deter, and prevent acts of terrorism. As a result of this mandate, the FBI has historically been the lead federal law enforcement agency involved in the investigations of terrorist activity by terrorist groups in the United States.

Under the Attorney General's Guidelines, the FBI may conduct criminal intelligence investigations of a group in order to ascertain if the group or enterprise is engaging in criminal activity in furtherance of its goals and objectives. The FBI may also conduct investigations of individuals who may be members of such groups when

those individuals are engaged in criminal acts in furtherance of the group's goals and objectives.

Two such groups that the FBI has actively investigated in the past are the Fuerzas Armadas de Liberacion Nacional Puertorriquena (Armed Forces of National Liberation) or FALN, and the Ejercito Popular Boricua (Popular Boricua Army), better known as the "Macheteros."

The FALN is a clandestine terrorist organization dedicated to achieving the independence of the Island of Puerto Rico from the United States. The group first made its existence known on October 26, 1974, when it claimed credit via communique for five bombings which occurred in New York City earlier that day. Over the next eight years, the FALN perpetrated 130 bombing incidents including 72 actual bombings, 40 incendiary attacks, eight attempted bombings (explosive devices failed to function) and ten bomb threats. These terrorist attacks alone, resulted in five deaths, 83 injuries and over three million dollars in property damage.

The Macheteros is a Puerto Rican terrorist organization whose goals are complete autonomy and sovereignty for Puerto Rico. These goals are to be achieved through violence and armed struggle against the United States Government. The group's existence became known after it sent a communique to the United Press International claiming credit for the killing of a Puerto Rican police officer on August 24, 1978. On December 3, 1979, seventeen men and women on a U.S. Navy

bus were ambushed by individuals using automatic weapons, resulting in two deaths and nine wounded. The Macheteros, in conjunction with other terrorists, claimed responsibility for this attack in a communique issued later that day.

From an historical perspective, the criminal activity associated with the FALN and Macheteros also demonstrates their willingness to utilize violence in furtherance of their agenda of Puerto Rican independence and the danger each group poses to the United States and its citizens. In addition to the deaths cited above, violent criminal activity by both organizations has resulted in serious injuries to an FBI Agent and to several police officers, some of whom I understand you will hear from today.

Terrorist groups are comprised of individuals and as part of the FBI's investigations of these groups, individuals associated with the FALN and the Macheteros were also investigated. Included among those investigated were the fifteen individuals who have sought pardons and/or commutations of their sentences. These individuals were engaged in violent criminal activities in furtherance of the goals and objectives of their respective groups. Although these individuals were not convicted of all the crimes mentioned above, they were, nevertheless, all key members of these organizations. For clarification purposes, I have attached for the record a chart listing the violent acts for which each individual was convicted and sentenced.

A review of this list reflects that eleven of the FALN members (Dylcia Noemi Pagan, Elizam Escobar, Ida Luz Rodriguerz, Adolfo Matos, Carmen Valentin, Carlos Alberto Torres, Ricardo Jimenez, Alicia Rodriguez, Luis Rosa, and Oscar Lopez-Rivera) were all indicted in December, 1980, and convicted on all counts in 1981. These individuals were charged with seditious conspiracy, armed robbery, weapons violations and interstate transportation of stolen motor vehicles. As charged in the indictment, the seditious conspiracy counts included the construction and planting of explosive and incendiary devices (bombs) at twenty-eight locations in Illinois between the period of June 14, 1975, through November 24, 1979. In order to better understand the violent criminal activity engaged in by these terrorists I have also attached a copy of the indictment to my statement. In addition, Oscar Lopez-Rivera was convicted in 1988 and sentenced to an additional fifteen years on charges related to his attempted escape.

Three other FALN members (Alegandrina Torres, Edwin Cortes and Alberto Rodriguez) were also convicted of seditious conspiracy in 1985. Torres was also convicted of possession of firearms and unlawful storage of explosives. Cortes was also convicted of possession of firearms, unlawful storage of explosives, conspiracy to commit armed robbery and conspiracy to manufacture firearms. Rodriguez was also convicted of possession of firearms, conspiracy to make destructive devices, and conspiracy to commit armed robbery. These three individuals had planned to bomb a Marine Training Center

and an Army Reserve Center in Chicago on the Forth of July weekend in 1983.

The two individuals from the Macheteros (Antonio Camacho-Negron and Juan Enrique Segarra-Palmer) were convicted for their roles in one of the most serious armed robberies in U.S. history, the 1983 armed robbery of a Wells Fargo facility in Hartford, Connecticut. This robbery, for which the Macheteros claimed responsibility, resulted in the theft of over $7 million, much of which was transported out of the United States. For their respective roles in this incident, the imprisoned Macheteros were convicted on charges of robbery of bank funds, transportation of stolen money in interstate and foreign commerce, foreign transportation of stolen money, conspiracy to rob federally insured bank funds, and other charges. This incident continues to have a lasting impact on law enforcement. Macheteros member Victor Manuel Gerena-Ortiz remains an FBI Top Ten fugitive for his role in the robbery. Macheteros leader Filiberto Ojeda-Rios also remains a federal fugitive, wanted for his role in the robbery.

In June of 1999 the FBI was asked by Department of Justice for the FBI's input on the granting of a pardon and/or clemency for the incarcerated Puerto Rican terrorists. The FBI has consistently advised the Department of Justice that the FBI was opposed to any such pardon and/or commutation of sentences for these individuals. As the request for pardon has been pending since 1994, the FBI was unaware that any such commutation of sentences was actually being

contemplated or imminent. [redacted] the FBI outlined its [redacted] opposition to such a release in a Memorandum to the Department of Justice dated June 28, 1999. This opposition was based upon a number of factors, several of which I will note.

[redacted]

I would also like to provide an assessment of the current and continuous threat posed by the FALN and Macheteros. In recent years, the FBI has continued to receive information that members of the FALN and Macheteros are pursuing their goal for Puerto Rican independence. Neither group have rescinded the use of armed struggle or violence in accomplishing that goal. Less than two years ago, an individual

convicted for the 1954 armed attack on the House of Representatives that left five Congressmen wounded (and who subsequently was provided a presidential pardon), addressed FALN supporters at a rally in Chicago. During this rally, the audience was told that Puerto Ricans have the right to take up arms if political actions failed to liberate Puerto Rico. In December, 1998, the reward offered for information leading to the capture of Macheteros leader Filiberto Ojeda-Rios was increased to $500,000. In response, Ojeda-Rios issued a statement advising that anyone that gives information regarding his whereabouts is a "traitor" and would "pay with their lives." This was the first time that the Macheteros have directly threatened the Puerto Rican people, in stark contrast to their previous commitment that their actions would not harm "the people."

The FALN and Macheteros terrorist groups continue to pose a danger to the U.S. Government and to the American people, here and in Puerto Rico. [redacted] The challenge before us is the potential that the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world.

I thank you for your time, and will be happy to entertain your questions regarding this issue.

'TED STATES GOVERNMENT

memorandum

UNITED STATES ATTORNEY'S OFFICE

DATE: August 30, 1985

REPLY TO ATTN OF: Joseph H. Hartzler, James Ferguson, & Daniel E. Reidy, AUSAs

SUBJECT: Alejandrina Torres, Edwin Cortes, Alberto Rodriguez, & Jose Rodriguez

EXHIBIT 18

TO: Probation Office

GOVERNMENT'S VERSION

On August 5, 1985, a federal jury found defendants Alejandrina Torres, Edwin Cortes, Alberto Rodriguez and Jose Rodriguez guilty of plotting to oppose by force the authority of the government of the United States. The jury obviously concluded that the defendants were active members of the underground terrorist group known as the FALN.

BACKGROUND OF THE F.A.L.N.

The FALN is a clandestine organization whose members seek to overthrow the democratic government in Puerto Rico and replace it with a socialist government. The group's members reject the electoral process as a means of accomplishing political change; they adopt armed violence and intimidation by terror as the only means for achieving their goals. Unlike other revoluntionary groups that engage in violent actions on the island of Puerto Rico itself, the FALN has staged its violent actions in the continental United States. The violence has been directed against government institutions, corporations, and the American public.

1. The FALN's Public Emergence

The FALN publicly emerged on October 26, 1974, when the group claimed credit for five bombings in downtown New York City. These bombings appeared to be "symbolic" in nature and were seemingly not designed to injure innocent people. Such was not the case with the FALN's next violent action, which occurred on December 11, 1974. In that instance, the group used a false report of a dead body in an apartment building to lure an unsuspecting police officer into a booby trap. The officer, Angel Poggi, was performing his first day of duty for the New York Police Department when he responded to the dead body report. As Officer Poggi pushed open an apartment door in search of the purported body, an explosive device armed with a trip-wire clothespin trigger exploded in his face. Officer Poggi survived the blast but he was maimed and permanently disabled.

The group's next action, on January 24, 1975, was even more ruthless. On that day, an FALN time bomb detonated at the historic Fraunces Tavern in New York City. Any notion that the FALN seeks to avoid injury to innocent civilians was dispelled by the placement and timing of this bomb. The bomb was placed under a stairway adjacent to the main dining room. It exploded during the busy lunch period. Four people were killed by the blast. More than sixty others were injured by shrapnel from the explosion.

2. FALN's Presence in Chicago

The FALN first made its presence known in Chicago on Saturday, June 15, 1975. That day was Puerto Rican Day in Chicago, and FALN's action apparently was intended as a protest against most Puerto Ricans who would celebrate their heritage on that day. Shortly after midnight, two FALN time bombs were placed in the downtown Loop area. One of the bombs was concealed in a camera case which was discovered and picked up by an unsuspecting passerby. She carried the bag to her car and drove off with her three friends. When one of the friends opened the bag and saw that it contained a bomb, he threw it from the car, and the passengers fled the car for safety. The bomb exploded on the sidewalk where it had been thrown. A half hour later, the second bomb exploded in front of a bank building.

More bombings followed. In October 1975, the FALN attempted to display its strength by detonating ten bombs simultaneously in Chicago, New York and Washington, DC. An eleventh bomb was discovered unexploded in a bouquet of roses on a bench outside the Standard Oil Building. Property damage resulting from these bombings exceeded a quarter million dollars.

The following June, four more FALN bombs exploded in the Loop area. One of the bombs exploded at the corner of Dearborn and Monroe as theatregoers were leaving an evening performance at the Schubert Theatre. Several passersby were injured by shrapnel from the bomb. Two

weeks later (again on Puerto Rican Day), FALN incendiary devices were placed in various locations in the downtown Marshall Field's Department Store. The FALN's protest of the Puerto Rican celebration failed because the devices did not detonate.

3. Earlier Investigations & Prosecutions

On November 3, 1976, the FALN suffered a setback when Chicago Police discovered their "bomb factory" which was located in an apartment within the city's northside Hispanic community. This discovery led to the identification of Carlos Alberto Torres, his wife Marie Haydee Torres, Ida Luz "Lucy" Rodriguez, and Oscar Lopez-Rivera as members of the FALN. All four individuals immediately vanished, thus ending the double lives they had been leading for several years. The four had masquaraded as law abiding community members and had assiduously avoided doing anything that would have drawn attention to themselves. All four were later arrested and convicted of terrorist acts. Marie Haydee Torres was convicted and sentenced to life in prison for the murder of Charles Steinberg, a Mobil Oil employee who was killed on August 3, 1977, by an FALN bomb that had been placed in an umbrella and left on a coat rack in the Mobil Oil Employment Services Office in New York on August 3, 1977.

FALN bombings continued throughout the late Seventies. Then, in mid-March, 1980, the FALN staged a new terrorist tactic when members of the group seized the Carter-Mondale Presidential Campaign Office in Chicago and the George Bush Campaign Office in New York and held campaign workers hostage while ransacking the facilities and stealing supporter lists. On the days that followed these incidents, the group sent threatening letters to about 200 Carter-Mondale supporters including Democratic National Convention delegates living throughout the State of Illinois.

On April 4, 1980, the FALN suffered its most serious setback when Evanston, Illinois Police arrested 11 members who had assembled in that municipality for the purpose of robbing an armored truck making a pickup at Northwestern University. Seized with the arrestees were a stolen truck several stolen vans and cars, 13 weapons, and various disguises and articles of false identification. Those arrested included Carlos and Haydee Torres, Lucy Rodriguez, her sister Alicia Rodriguez, Dylcia Pagan, the common-law wife of William Morales, Adolfo Matos, Carmen Valentine, Luis Rosa, Dick Jimenez, Elizam Escobar, and Freddie Mendez.

Investigation arising from these arrests revealed that the FALN had developed an intricate "underground" operation. "Safehouses" were discovered in Milwaukee, Wisconsin; Newark, New Jersey; New York City, and Chicago. Vehicles had been stolen through various methods in several states. Quality false identifications had been established. Through investigation it became apparent that the group had developed sources of income sufficient

to easily maintain its existence. This became clear when it was learned that their Milwaukee "safehouse" had been purchased for cash and that tens of thousands of dollars in currency had been hidden there.

Following the Evanston arrests, Haydee Torres was extradicted to New York where she was convicted of murder. The remaining ten FALN members were prosecuted and convicted of seditious conspiracy and related charges. They received federal sentences ranging from 55 to 90 years. Subsequently, Oscar Lopez was apprehended and convicted of seditious conspiracy and related charges. He was sentenced to 55 years incarceration.

4. Freddie Mendez' Cooperation

Following his conviction of seditious conspiracy, Freddie Mendez decided to change his life. He withdrew from the FALN and agreed to cooperate with the government. Mendez provided a wealth of information about the FALN. He described how members are recruited and indoctrinated and the techniques that members are taught to avoid detection, such as evasive driving and use of disguises and false identification. Most significantly, Mendez identified defendants Torres and Cortes as likely members of the FALN.

Discovery of The Buena Safehouse

Periodically throughout 1982, law enforcement officers assigned to an anti-terrorist task force conducted surveillance of Edwin Cortes. After many months, they determined that Cortes periodically travelled many miles from his home and

F.O.I. EXEMPT

place of employment on the south side of Chicago to an apartment building on the north side at 736 West Buena. Further investigation established that Apartment 505 in that building was an FALN safehouse where Cortes met with Alejandrina Torres for clandestine meetings. With court authorization, the agents installed a hidden camera and hidden microphones in the apartment and monitored the activity there for the next five months. They observed and overheard a variety of criminal acts.

Attempted Break-Out of Oscar Lopez

The first criminal activity that the agents overheard and ultimately foiled was a plot to break incarcerated FALN leader Oscar Lopez out of prison. Specifically, Torres and Cortes planned to overtake the prison van and its three guards when the van delivered Lopez from Leavenworth Penitentiary to a nearby hospital for medical treatment. On the day of the scheduled medical treatment -- March 18, 1983-- Torres, Cortes and a third man known only as "Benjamin" were observed in the hospital's parking lot waiting for the arrival of the prison van. They were wearing disguises and bulletproof vests; they were undoubtedly armed; and they were ready to do violence to the guards and to any others who might interfere with their plans. It bears noting that the March 14, 1983 video tape of the Buena safehouse shows Edwin Cortes and "Benjamin" wrapping weapons and ammunition, and making other preparations for the planned break-out at Leavenworth.

The escape attempt was foiled and lives were potentially

saved by a telephone call from the agents who had monitored the defendant's plans. They advised the warden of Leavenworth Penitentiary not to move Lopez on the scheduled day. Lopez was transported for treatment on another day and to another hospital.

The C.T.A. Robbery Plan

The second major criminal activity that the monitoring agents overheard and foiled was a plot of Cortes and Alberto Rodriguez to rob a CTA daily receipts collector. This crime was plotted primarily at a second FALN safehouse, located at 1135 W. Lunt, which was discovered by government agents during their investigation of the Buena safehouse. As with the Buena apartment, the agents obtained authority to install and monitor hidden microphones and cameras in the Lunt apartment. As a result, the agents heard Cortes and Alberto Rodriguez discussing the possibility of having to shoot a CTA guard in order to rob the foot collector.

Following their discussions, Cortes and Alberto Rodriguez actually conducted surveillance of the various train stations that they considered for the location of the robbery. On several nights during the Spring of 1983, task force agents saw the two defendants either separately or together walking back and forth near the Fullerton station and the North & Clybourn station. The robbery was thwarted on May 18, 1983, when police officers, acting on instruction from task force agents, stopped and questioned Alberto Rodriguez as he was

"casing" the North & Clybourn station. As Cortes later told Torres, the robbery plan was then abandoned. The defendants apparently feared that Alberto Rodriguez' presence at the trian station would be recorded or remembered such that he could be linked to the robbery if it occurred. There can be little doubt that the defendants would have executed the robbery plan but for the interference of law enforcement. They had the will and the weaponry to take over a CTA station. Numerous weapons and thousands of rounds of ammunition were recovered from the safehouses following the defendants' arrest on June 29, 1983. These weapons included a Colt .357 pistol, a snub nosed .32 caliber pistol, a Haas .44 caliber pistol, a .22 sterling, an Eagle rifle and a silencer, as well as 21 pounds of dynamite and all the components needed for the manufacture of pipe bombs.

Planned Bombings

The final activity that these defendants planned before their arrests was the bombing of several military sites in Chicago. Apparently they planned to use some of the twenty-one pounds of dynamite they had stockpiled to construct pipe bombs. The dynamite was found by task force agents in a search of the Buena safehouse. On June 1, 1983, monitoring agents observed Edwin Cortes and Alberto Rodriquez in the process of contructing the firing mechanisms for explosive devices. Later in the month, they were observed handling the metal pipes and blasting caps used to make pipe bombs. On

several evenings throughout the month, surveillance agents saw Cortes and Alberto Rodriguez travel from the area of the Lunt safehouse to the neighborhood of the various military facilities they had discussed bombing.

Although most of the plotting for the intended bombings was conducted by defendants Edwin Cortes and Alberto Rodriguez, they clearly intended to rely on Alejandrina Torres and Jose Rodriguez for assistance. Jose Rodriguez was the newest member of this particular FALN cell. When or how he was recruited is not known by the government, but he had certainly become a member by April 17, 1983, when he appeared at the Lunt safehouse (many miles from his home) to meet with his neighbor Alberto Rodriguez. As former FALN member Freddie Mandez established, only actual FALN members meet in FALN safehouses. Both men wore gloves throughout the meeting to avoid leaving any fingerprints in the safehouse. Numerous topics were discussed at the April 17 meeting of the two FALN members, including the immediate goals of the terrorist organization: to conduct armed "expropriations" and to break incarcerated co-conspirators out of prison. The two men also discussed specific techniques employed by the clandestine terrorist organization , including the use of disguises and false identification, the use of "dry cleaning" techniques, and the way to ~~hand~~ handle documents to avoid leaving fingerprints. In the course of the meeting, Alberto Rodriguez instructed Jose Rodriguez on the importance of obtaining false identifications, and the way to go about getting specific pieces of false

identification, such as a driver's license. In response, Jose Rodriguez stated that he might be able to use the name of a twenty-year old, deaf mute Puerto Rican to obtain the false identification.

One month after his meeting with Alberto Rodriguez, Jose Rodriguez obtained a false library card and driver's license in the name "Benjamin Santiago". The real Benjamin Santiago was a developmentally handicapped Puerto Rican who lived at a halfway house where Jose Rodriguez worked. Jose Rodriguez had access to Santiago's personnel file. That file included Santiago's Social Security number which was used to obtain the drivers license.

Furthermore, as shown by conversations between Edwin Cortes and Alberto Rodriguez it is clear that Jose Rodriguez was an ~~intered~~ intended participant in the planned bombings of the military sites. In those conversations, Alberto Rodriguez first referred to Jose Rodriguez indirectly during a discussion of who would case the military sites selected for bombing. He told Cortes that the other person who would conduct the casings worked until twelve o'clock on Sunday, June 5. Jose Rodriguez worked until twelve o'clock midnight on Sunday, June 5. In addition, Alberto Rodriguez clearly referred to the expected assistance of Jose Rodriguez when he told Cortes that the van they intended to use for the bombings might not be available. The van to which Alberto Rodriguez referred was the van belonging to Jose Rodriguez' father--a van that Jose Rodriguez had plainly

agreed to provide for use in transporting the bombers.

The bombings, which were planned for the Fourth of July weekend, were never carried out. All four defendants were arrested on June 29, 1983, before they could execute their plot. Again, there can be no doubt that these defendants would have actually committed the violent acts they planned had they not been arrested. As noted earlier, the search of the "safehouses" in this case uncovered a veritable arsenal of weapons, including 21 pounds of dynamite, numerous pipes and all the components needed for the manufacture of time bombs. Furthermore, the defendants prepared a communique which they intended to issue in the wake of the bombings. Alejandrina Torres discussed the communique with Edwin Cortes on June 28, 1983, and Cortes read it to Alberto Rodriguez later that evening. When agents searched the Lunt safehouse on June 30, they found partially prepared time bombs in a box that could be easily carried to the bomb site for final assembly.

The Trial

Throughout the trial, three of the defendants declared themselves prisoners of war and proclaimed that the jury had no right to judge them. Nevertheless, they participated in various phases of the trial and made closing arguments to the jury. They attempted to portray themselves as "heroic freedom fighters" who were being prosecuted only because of their political views. The trial proved quite the opposite: The defendants are intractably and unheroically committed to the

clandestine use of violence with little regard for human safety. Their political views played no part in the prosecution. It was their commitment to the use of force against the lawful authority of the government that resulted in their conviction.

EXHIBIT 19

FUERZAS ARMADAS DE LIBERACION NACIONAL (FALN US)

08/31/74	Damrosch Park, Lincoln Center, W. 63 St. and Amsterdam Avenue.
09/28/74	Police Headquarters, Franklin and Green Streets, Newark, NJ
09/28/74	City Hall, Franklin and Green Streets, Newark, NJ
10/26/74	Device placed under 1971 Comet at Nassau Street, NYC
10/26/74	Exxon Building Chemical Bank, 1251 6th Avenue, NYC
10/26/74	Banco de Ponce, Eastern Airlines Building, 10 Rockerfeller Plaza, NYC
10/26/74	Lever House, 390 Park Avenue, NYC
10/26/74	Manufacturers Hanover, Union Carbide Building, 270 Park Avenue, NYC
12/11/74	Officer Poggi, Abandoned Building, 336 E. 110th, NYC
01/24/75	Fraunces Tavern, 101 Broad Street, NYC
04/02/75	New York Life Building, 51 Madison Avenue, NYC
04/02/75	Metropolitan Life Building, 340 Park Avenue South, NYC
04/02/75	Bankers Trust, 280 Park Avenue, NYC
04/03/75	Blimpics Restaurant, 5 West 46th Street, NYC
06/14/75	Mid Continental Plaza Building, 55 E. Monroe Street, Chicago, Ill.
06/14/75	United and American Bank, 1 East Wacker Drive, Chicago Ill.
10/27/75	National Wesminster Bank, Ltd., 100 Wall Street, NYC
10/27/75	First National City Bank
10/27/75	Chase Manhatan Bank, 25 East 57th Street, NYC
10/27/75	First National City Bank, 40 West 5th Street, NYC

10/27/75	U.S. Mission to the United Nations, 799 First Avenue, NYC
10/27/75	Continental National Bank, 231 South Lasalle Street, Chicago, Ill.
10/27/75	One I.B.M. Plaza, 333 N. State Street, Chicago, Ill.
10/27/75	Sears Tower, 233 S. Wacker Drive, Chicago, Ill.
10/27/75	Standard Oil Building, 200 E. Randolph Street, Chicago, Ill.
10/27/75	U.S. Department of State Building, 21st and C Streets, Washington, DC
10/27/75	Bureau of Indian Affairs Building, 20th and Constitution Avenue, Washington, DC
10/03/75	First National City Bank, 10 Irving Place, NYC
06/25/76	Pan Am Building, 200 Park Avenue, NYC
06/25/76	40th Precinct - NYPD, 257 Alexander Avenue, Bronx, NYC
06/25/76	Chase Manhattan Bank, 349 E. 149th Street, Bronx, NYC
06/25/76	First National City Bank, 270 E. 137th Street, Bronx, NYC
07/12/76	Macy's Department Store, 151 West 34th Street, NYC
07/12/76	Ohrbachs Department Store, 5 West 34th Street, NYC
07/12/76	Lord and Taylor's Department Store, 424 5th Avenue, NYC
07/12/76	B. Altman's Department Store, 361 5th Avenue, NYC
07/12/76	Korvettes' Department Store, 34th Street and Broadway, NYC
07/12/76	Gimbel's Department Store, 1275 Broadway, NYC
07/14/76	Macy's Department Store, 151 WSest 34th Street, NYC
09/10/76	Office of Department of Labor, Commonwealth of Puerto Rico, 734 North La Salle Street, Chicago, Ill.
09/10/76	Holiday Inn, 644 North Lake Shore Drive, Chicago, Ill.
09/21/76	New York Milton Hotel, 1335 Avenue of the Americas, NYC

02/18/77	Number Two Gulf and Western Plaza, 59th Street, and Columbus Avenue, NYC
02/18/77	Texaco Tour Guide Center, 42 Street and Lexington Avenue, NYC
03/20/77	American Bank Note Company
03/20/77	Whelan's Drug Store, 1201 3rd Avenue, NYC (adjacent to the FBI office)
04/09/77	Gimbel's Department Store, 33rd and Broadway Street, NYC
04/09/77	Bloomingdale's 1000 Third Avenue, NYC
04/09/77	Macy's 151 West 34th Street, NYC
03/18/80	Takeover of Carter-Mondale Presidential Campaign Office in Chicago
03/18/80	Takeover of the Bush Campaign Office in New York

U.S. Department of Justice
United States Parole Commission
5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201

NOTICE OF DECISION ON APPEAL

EXHIBIT 20

Name: Camacho-Negron, Antonio

Register Number: 03587-069 Institution: FDC Miami

The National Appeals Board examined the appeal of the above named and ordered the following:

Affirmation of the previous decision.

REASONS:

The Commission affirms the decision to revoke your mandatory release because your refusal to report for supervision was uncontested, and the reasons you put forward to justify your noncompliance are not within the scope of this Commission's authority to decide. You were convicted of participating in a serious crime of violence in the District of Connecticut, and it is the Commission's responsibility to enforce the conditions of mandatory release pursuant to 18 U.S.C. § 4164. You are not, therefore, a political prisoner as you claim. You were given a full measure of due process in the revocation proceeding that resulted in your imprisonment, and you suffered no prejudice from the bifurcated nature of that proceeding. You presented no defense to the charge because you failed to assert that you actually reported for supervision at any time. You had the opportunity to present witnesses to testify in mitigation. However, the Commission properly prohibited the use of the revocation proceeding as a forum for statements in general opposition to revocation, which would not constitute evidence in mitigation.

Finally, the Commission has already informed you of your ability to gain release from prison at any time, as soon as it receives any reasonable indication that you would be willing to comply with the conditions of parole. The Commission cannot parole you in the face of your expressed determination not to comply with the conditions of parole.

All decisions by the National Appeals Board on appeal are final.

003625

Date: April 14, 1999 National Appeals Board Clerk: pgm

U.S. Department of Justice
U.S. Parole Commission

ORDER

Name Camacho - Negron, Antonio

Register Number 03587-069 Institution Miami FDC

In the case of the above-named, the Commission has carefully examined all the information at its disposal and the following acti with regard to parole, parole status, or mandatory release status is hereby ordered:

Affirm previous decision dated November 27, 1998

Michael Nanna 4-14-99
Edward J. Kuney 4.14.99
John R. Simpson 4/14/99

Date

Date

(Date Notice sent) (Region-specify)

National Appeals Board (check)

National Commissioners (check)

Full Commission (check)

003626

PAROLE FORM H
APR.

<*BOPCODE->

ORIGINAL JURISDICTION APPEAL SUMMARY

NAME: Camacho-Negron, Antonio REG. NO. 03587-069 INST: FDC Miami

OFFENSE: Conspiracy to Rob Federally Insured Bank Funds, Theft, Transporting Stolen Money in Interstate Commerce

TERM:	15 years	DOB:	10/15/45
BEGAN:	4/16/98	MOS AT APPEAL:	12
MOS AT REL:	49 months (on pv term)	DAYS JT:	0
DAYS INOP:	0	PE DATE:	NA (pv term)
MR DATE:	5/20/02	2/3 DATE:	NA (pv term)
FT DATE:	5/21/04	G/L:	0-8
OFS SEV:	1	SFS:	7

- -

LAST COMMISSION ACTION:

Revoke mandatory release. None of the time spent on mandatory release shall be credited. Continue to expiration.

RECOMMENDED ACTION:

Affirmation of the previous decision.

RECOMMENDED REASONS:

The Commission affirms the decision to revoke your mandatory release because your refusal to report for supervision was uncontested, and the reasons you put forward to justify your noncompliance are not within the scope of this Commission's authority to decide. You were convicted of participating in a serious crime of violence in the District of Connecticut, and it is the Commission's responsibility to enforce the conditions of mandatory release pursuant to 18 U.S.C. § 4164. You are not, therefore, a political prisoner as you claim. You were given a full measure of due process in the revocation proceeding that resulted in your imprisonment, and you suffered no prejudice from the bifurcated nature of that proceeding. You presented no defense to the charge because you failed to assert that you actually reported for supervision at any time. You had the opportunity to present witnesses to testify in mitigation. However, the Commission properly prohibited the use of the revocation proceeding as a forum for statements in general opposition to revocation, which would not constitute evidence in mitigation.

Finally, the Commission has already informed you of your ability to gain release from prison at any time, as soon as it receives any reasonable indication that you would be willing to comply with the conditions of parole. The Commission cannot parole you in the face of your expressed determination not to comply with the conditions of parole.

NOTES:

Subject's offense severity, guideline range and salient factor score have been reviewed and are correct.

This prisoner was a member of a terrorist group called "Los Macheteros," which carried out a $7 million armed robbery in 1983 in West Hartford, Connecticut. His role was evidently to transport the proceeds of the robbery. He has fully endorsed murder and terrorism in pursuit of revolutionary independence for Puerto Rico. (See page 18 of the PSIR.) Upon MR, he achieved considerable publicity by refusing to report for supervision on ideological grounds (contesting the jurisdiction of the United States over him, etc.). His revocation hearing had to be held at FDC Miami for security reasons, but the Commission conducted a second hearing in Puerto Rico so that witnesses could be examined.

I see the Commission as having had no choice but to revoke MR and deny further release so long as Camacho-Negron remains in his present defiant posture.

ame

MCS 4/6/99

EXHIBIT 21

MACHETEROS

1 or 2/77	Robbery of Banco de Credito, Vistamar Branch ($25,000)
08/05/77	Robbery of Banco de Ponce, Bayamon Oeste Branch (more than $60,000)
08/24/78	Two Police of Puerto Rico officers were ambushed in Naguabo, Puerto Rico. (One officer killed)(The purpose was to take over the uniforms, weapons and police vehicle.)
1979	Robbery at bank in Vega Baja, Puerto Rico
03/02/79	Robbery of Roig Commercial Bank, Yabucoa, Puerto Rico
03/12/80	Ambush of three U.S. Army Officers on their way to the University of Puerto Rico, Rio Piedras Campus
11/12/81	NAGBOM -- Bombing of eleven jet aircraft of the Puerto Rico Air National Guard at Muniz Airport. Damages amounted to $45,000,000. (21 bombs were planted)
11/11/81	Destruction of Electrical Installations in the San Juan Area. (In response to PREPA's shutting off electricity in Villa Sin Miedo, a local squatter community)
11/27/81	Bombing of PREPA Substation at Wilson Street, Condado, Puerto Rico (In response to PREPA's shutting off electricity in Villa Sin Miedo, a local squatter community)
11/27/81	Bombing of PREPA Substation at Taft Street, Santurce, Puerto (In response to PREPA's shutting off electricity in Villa Sin Miedo, a local squatter community)
04/21/81	Robbery of Armored Car in Santurce, Puerto Rico at Glidden (approximately $348,000)
05/16/82	Four U.S. Navy men ambushed and shot in Old San Juan in retaliation for U.S. Navy exercise, "Ocean Venture 1982". (1 killed)
05/30/82	Attempted Bombing of the Caribe Hilton Hotel in San Juan, Puerto Rico. Devices failed to detonate.
11/16/82	Simultaneous Robbery of a supermarket and a Wells Fargo Truck, Villa Fontana, Carolina, Puerto Rico (Based on Machetero MO) (1 killed)
05/83	Attempted Robbery of Wells Fargo at Naranjito, Puerto

Rico (Based on Machetero MO)

07/15/83 Robbery of Wells Fargo Truck at San Roberto, Rio Piedras, Puerto Rico (driver killed)(Based on Machetero MO)

09/12/83 Wells Fargo Robbery in Hartford, Connecticut amounting to $7,000,000 (Pitirre III)

10/30/83 A LAW rocket was fired into the Federal Building in Hato Rey, Puerto Rico. (In retaliation for the American invasion of Grenada.)

06/18/89 Bombing of Chase Manhattan Bank at Caguas, Puerto Rico (might have been planted by Macheteros as they did not specify in their communique how many bombs they planted and where)

06/19/89 Bombing of U.S. National Guard Recruiting Station at Bayamon, Puerto Rico (claimed by EPB-Macheteros)

EXHIBIT 22

Recent MACHETEROS statements/actions:

March 31, 1998: Bombing of Superacueduct at Arecibo, Puerto Rico. **April 3, 1998,** Macheteros claim responsibility for the attack, decrying the "environmental aggression" of the Superacueduct project. The attack was "only the beginning of what from now on will constitute a line of action in defense of our country..."

April 21, 1998: Taped message by Ojeda-Rios confirms Machetero responsibility for Superacueduct bombing and justifies it on environmental grounds. Ojeda-Rios also accused the FBI of being incompetent and of planting evidence in the past relating to alleged crimes committed by the Macheteros.

June 09, 1998: Bombing of a branch of Banco Popular in San Juan. Drive-by shooting of Banco Popular branch in Rio Piedras (two bullet holes found in glass door). Communique issued the same day by Macheteros claimed responsibility for the attacks in support of the Puerto Rico Telephone Company strike. The communique called the shooting a "warning."

June 25, 1998: Police of Puerto Rico officer seriously injured by a flashlight that had been made into a pipe bomb. The bomb had been left at a Banco Popular branch in Santa Isabel, Puerto Rico.

July 18, 1998: Interview with Luis Penchi, radio/newspaper reporter. Ojeda-Rios disavowed Machetero involvement with the bombing on June 25; "What we do, we do very carefully, so as to not cause harm to the people, and so that it can promote the awareness of our people." Ojeda-Rios decried the "meddling of the FBI in Puerto Rico. Threatened retaliation for the expected move of SOUTHCOM to Puerto Rico. "As long as Puerto Rico continues in its colonial status, the armed struggle always can and has to be a real alternative." U.S. military forces "should not feel comfortable in this country. I am not going to tell you, nor am I going to say in advance what the Macheteros are going to do, but I am going to tell you they are going to do something. We are not going to remain inactive."

In December, 1998, the FBI increased the reward for Ojeda-Rios was increased to $500,000. On **January 17, 1999** Ojeda-Rios issued a statement advising that anyone that gives information to the police regarding his whereabouts would be considered a "traitor" and would "pay with his life."

In early February, 1999, members of the U.S. Congress received a letter, written in English, from a group identifying themselves as the "Puertorican Nationalist Army". The letter threatened attacks on the U.S. mainland if the U.S. military did not leave Puerto Rico. San Juan FBI did not attribute the letter to the Macheteros for various reasons, however, the press reported that the threat had come from the group. In a news release dated **February 26, 1999,** the Macheteros denied writing the letter, and wrote: "Our people should know, however, that our organization's policy is and will be one of never announcing beforehand any armed revolutionary act."

Following a U.S. Naval accident on the island of Vieques **April 19, 1999,** wherein a Naval

employee was killed, Ojeda-Rios released a recorded statement decrying the actions of the U.S. Navy on Vieques. A copy of the recording could not be obtained.

July 13, 1999: Ojeda-Rios delivers a message, through the press, to Colombia's Ejército de Liberación Nacional (ELN-National Liberation Army) asking for the release of Rosa de la Cruz. De la Cruz is a Puerto Rican woman who had been kidnapped by the ELN in Colombia. "We, the members of the Boricua Popular Army, Los Macheteros, are representatives of a Puerto Rican people engaged in an active battle for freedom. We are very aware of the effort you are undertaking in your country to achieve your goals, not only with an unjust and corrupt system that enslaves the Colombian people whom we lover and respect so much, but also to make revolutionary advances in the process of brotherhood that must unite all the people of our Latin America."

August 17, 1999: Ojeda-Rios makes a news release decrying the conditions placed by President Clinton for the release of 15 Puerto Rican prisoners.

On August 19, 1999, a bank was held up at Montehiedra, Puerto Rico. The thieves screamed that they were Macheteros. On **August 25, 1999,** the Macheteros made a news release stating "Our revolutionary and patriotic organization had nothing to do with these occurrences. The people who committed this robbery wanted to take advantage of the prestige of our organization for acts which benefit themselves, not the people."

September 13, 1999: Ojeda-Rios releases a tape. "If they start bombing Vieques again, and they threaten the island's population, or those carrying out acts of civil disobedience, they will have to face the consequences because Los Macheteros will not remain with their arms crossed, you can be sure.

October 01, 1999: Following statements made by FBI Assistant Director, Neil Gallagher regarding the release of the prisoners (Ojeda-Rios was used as an example by Gallagher), Ojeda-Rios made a news release stating that the FBI had "launched a hate campaign towards the Puerto Rican patriots."

EXHIBIT 23

COMITÉ PRO DE[illegible]IOS HUMANOS EN PUERTO RICO

Calle Rodríguez Serra #8
Suite 2B
San Juan, Puerto Rico [illegible]
Tel/Fax (787) 723-982[illegible]

February 19, 1998

Mr. Eustaquio Babilonia
Deputy Chief
U.S. Probation Office
San Juan, Puerto Rico

Fax 787 766-5945

Dear Sir:

As lawyers deeply concerned with human rigths we wish to intervene on behalf of Mr. Antonio Camacho Negrón (#03587-069) recently released from a U.S prison after completing 10 of a 15 years original sentence. We have been authorized to inform you that although Mr. Camacho Negrón is not available at the moment, he has no intention of becoming a fugitive of justice nor does he intend to go underground. Indeed, he is quite prepared to reenter prison.

Because of his sincere and strongly held political beliefs, he feels he cannot comply with to onerous supervision conditions imposed upon him after 10 years of incarceration. To require him to comply with those conditions is an interference with his rights to political and personal freedom in violation of prevailing human rigths. If he has to choose between his political beliefs and his personal dignity or complying with your conditions he chooses the first and rather reenter prison.

¡YA ES TIEMPO DE TRAERLOS A CASA!

Naturally, all of us, as well as Mr. Camacho Negrón, are deeply concerned with these conditions. We are authorized to meet with you in order to discuss possible alternatives to the existing conditions.

We are available to meet with you at your convenience.

Truly yours,

Luis Nieves Falcón

Attorney Luis Nieves Falcón
Attorney Federico Comas Montalvo
Attorney José Luis Nazario
Attorney Michael Deutsch

cc Ms. Carlina Cortés

EXHIBIT 24

04/15/99 04:22:18 ->

U.S. Department of Justice
United States Parole Commission
5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201

NOTICE OF ACTION ON APPEAL

Name: Camacho-Negron, Antonio

Register Number: 03587-069 Institution: FDC Miami

The National Appeals Board examined the appeal of the above named and ordered the following:

Affirmation of the previous decision.

REASONS:

The Commission affirms the decision to revoke your mandatory release because your refusal to report for supervision was uncontested, and the reasons you put forward to justify your noncompliance are not within the scope of this Commission's authority to decide. You were convicted of participating in a serious crime of violence in the District of Connecticut, and it is the Commission's responsibility to enforce the conditions of mandatory release pursuant to 18 U.S.C. § 4164. You are not, therefore, a political prisoner as you claim. You were given a full measure of due process in the revocation proceeding that resulted in your imprisonment, and you suffered no prejudice from the bifurcated nature of that proceeding. You presented no defense to the charge because you failed to assert that you actually reported for supervision at any time. You had the opportunity to present witnesses to testify in mitigation. However, the Commission properly prohibited the use of the revocation proceeding as a forum for statements in general opposition to revocation, which would not constitute evidence in mitigation.

Finally, the Commission has already informed you of your ability to gain release from prison at any time, as soon as it receives any reasonable indication that you would be willing to comply with the conditions of parole. The Commission cannot parole you in the face of your expressed determination not to comply with the conditions of parole.

All decisions by the National Appeals Board on appeal are final.

015482

Date: April 14, 1999 National Appeals Board Clerk: pgn

PRESIDENTIAL CLEMENCY ACTIONS BY ADMINISTRATION: 1945 to Present

(P=Pardon; C=Commutation; R=Remission of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Petitions Denied or Closed Without Presidential Action
			P	C	R	
Harry S. Truman						
FY 1945 (*2.5 mos.*)	479	201	98	9	2	133
FY 1946	438	977	279	28	3	570
FY 1947	535	779	308	13	2	483
FY 1948	508	657	178	15	0	411
FY 1949	561	638	178	17	1	313
FY 1950	690	504	400	14	3	338
FY 1951	439	467	189	10	1	228
FY 1952	478	477	192	6	0	214
FY 1953 (*6.5 mos.*)	543	330	91	6	1	197
Total (*93 mos.*)		5,030	1,913	118	13	2,887
Dwight D. Eisenhower						
FY 1953 (*5.5 mos.*)	578	269	6	1	0	159
FY 1954	681	461	55	7	0	348
FY 1955	732	662	59	4	0	684
FY 1956	647	585	192	9	0	568
FY 1957	463	585	232	4	0	443
FY 1958	369	406	98	6	0	302
FY 1959	369	434	117	2	0	286
FY 1960	398	437	149	5	0	244
FY 1961 (*6.5 mos.*)	437	261	202	9	0	145
Total (*96 mos.*)		4,100	1,110	47	0	3,179

LEGEND: The statistics for petitions granted are taken from a count of clemency warrants maintained by the Office of the Pardon Attorney. Cases in which multiple forms of relief were granted are counted in only one category. Excluded are individual members of a class of persons granted clemency by proclamation, such as President Carter's proclamation granting clemency to certain Viet Nam era offenders, and persons granted clemency after action by President Ford's Presidential Clemency Board. "Fiscal year" was originally defined as July 1 to June 30, but in 1976 became October 1 to September 30. The number of petitions pending at the beginning of a fiscal year may not correspond with the number computed from case-processing figures reported for the previous year due to the fact that minor subsequent corrections in case closure for a previous fiscal year(s) have been made.

PRESIDENTIAL CLEMENCY ACTIONS BY ADMINISTRATION: 1945 to Present

(P=Pardon; C=Commutation; R=Remission of Fine)

President	Petitions Pending	Petitions Received	Petitions Granted			Petitions Denied or Closed Without Presidential Action
			P	C	R	
John F. Kennedy						
FY 1961 *(5.5 mos.)*	342	220	24	9	0	121
FY 1962	408	595	166	16	0	315
FY 1963	506	592	133	43	2	233
FY 1964 *(4.5 mos.)*	687	342	149	32	1	162
Total *(34 mos.)*		1,749	472	100	3	831

President	Petitions Pending		Petitions Received		Petitions Granted			Petitions Denied or Closed Without Presidential Action	
	P	C	P	C	P	C	R	P	C
Lyndon B. Johnson									
FY 1964 *(7.5 mos.)*	685		579		166	40	0	275	
FY 1965	783		1,008		195	80	0	569	
FY 1966	947		865		364	80	1	726	
FY 1967	532	109	419	444	222	23	0	147	373
FY 1968	582	157	409	340	13	3	0	106	309
FY 1969 *(6.5 mos.)*	872	185	278	195	0	0	0	129	196
Total *(62 mos.)*			4,537		960	226	1	2,830	

LEGEND: The statistics for petitions granted are taken from a count of clemency warrants maintained by the Office of the Pardon Attorney. Cases in which multiple forms of relief were granted are counted in only one category. Excluded are individual members of a class of persons granted clemency by proclamation, such as President Carter's proclamation granting clemency to certain Viet Nam era offenders, and persons granted clemency after action by President Ford's Presidential Clemency Board. "Fiscal year" was originally defined as July 1 to June 30, but in 1976 became October 1 to September 30. The number of petitions pending at the beginning of a fiscal year may not correspond with the number computed from case-processing figures reported for the previous year due to the fact that minor subsequent corrections in case closure for a previous fiscal year(s) have been made.

PRESIDENTIAL CLEMENCY ACTIONS BY ADMINISTRATION: 1945 to Present
(P=Pardon; C=Commutation; R=Remission of Fine)

President	Petitions Pending		Petitions Received		Petitions Granted			Petitions Denied or Closed Without Presidential Action	
	P	C	P	C	P	C	R	P	C
Richard M. Nixon									
FY 1969 *(5.5 mos.)*	1,021	184	136	115	0	0	0	123	57
FY 1970	1,034	242	337	122	82	14	0	432	266
FY 1971	857	84	266	188	157	16	0	436	212
FY 1972	530	44	346	170	235	18	2	252	158
FY 1973	389	36	323	162	202	4	1	198	143
FY 1974	312	50	291	135	187	8	0	209	128
FY 1975 *(1.5 mos.)*	207	49	-	-	0	0	0	0	0
Total *(67 mos.)*			1,699	892	863	60	3	1,650	964
Gerald E. Ford									
FY 1975 *(10.5 mos.)*	207	49	351	259	147	5	4	166	159
FY 1976 *(15 mos.)*[1]	245	140	502	240	106	11	0	199	243
FY 1977 *(3.5 mos.)*	442	126	125	50	129	6	1	70	63
Total *(29 mos.)*			978	549	382	22	5	435	465

LEGEND: The statistics for petitions granted are taken from a count of clemency warrants maintained by the Office of the Pardon Attorney. Cases in which multiple forms of relief were granted are counted in only one category. Excluded are individual members of a class of persons granted clemency by proclamation, such as President Carter's proclamation granting clemency to certain Viet Nam era offenders, and persons granted clemency after action by President Ford's Presidential Clemency Board. "Fiscal year" was originally defined as July 1 to June 30, but in 1976 became October 1 to September 30. The number of petitions pending at the beginning of a fiscal year may not correspond with the number computed from case-processing figures reported for the previous year due to the fact that minor subsequent corrections in case closure for a previous fiscal year(s) have been made.

PRESIDENTIAL CLEMENCY ACTIONS BY ADMINISTRATION: 1945 to Present
(P=Pardon; C=Commutation; R=Remission of Fine)

President	Petitions Pending		Petitions Received		Petitions Granted			Petitions Denied		Petitions Closed Without Presidential Action	
	P	C	P	C	P	C	R	P	C	P	C
Jimmy Carter											
FY 1977 *(8.5 mos.)*	368	106	292	271	0	1	0	1	0	118	49
FY 1978	541	327	379	262	162	3	0	307	409	74	46
FY 1979	377	131	436	274	143	10	0	138	123	55	132
FY 1980	477	140	355	168	155	8	3	150	106	161	81
FY 1981 *(3.5 mos.)*	366	108	119	71	74	7	0	42	35	11	18
Total *(48 mos.)*			1,581	1,046	534	29	3	638	673	419	326
Ronald Reagan											
FY 1981 *(8.5 mos.)*	358	119	220	137	2	0	0	0	0	66	87
FY 1982	510	169	283	179	83	3	0	258	123	81	85
FY 1983	371	137	298	149	91	2	0	74	33	96	103
FY 1984	409	147	289	158	37	5	0	99	31	95	101
FY 1985	467	168	256	151	32	3	0	86	18	66	109
FY 1986	540	188	222	140	55	0	0	94	28	65	103
FY 1987	548	197	227	183	23	0	0	115	34	52	110
FY 1988	588	236	236	148	38	0	0	205	43	68	181
FY 1989 *(3.5 mos.)*	513	160	68	60	32	0	0	38	8	23	26
Total *(96 mos.)*			2,099	1,305	393	13	0	969	318	612	905

LEGEND: The statistics for petitions granted are taken from a count of clemency warrants maintained by the Office of the Pardon Attorney. Cases in which multiple forms of relief were granted are counted in only one category. Excluded are individual members of a class of persons granted clemency by proclamation, such as President Carter's proclamation granting clemency to certain Viet Nam era offenders, and persons granted clemency after action by President Ford's Presidential Clemency Board. "Fiscal year" was originally defined as July 1 to June 30, but in 1976 became October 1 to September 30. The number of petitions pending at the beginning of a fiscal year may not correspond with the number computed from case-processing figures reported for the previous year due to the fact that minor subsequent corrections in case closure for a previous fiscal year(s) have been made.

PRESIDENTIAL CLEMENCY ACTIONS BY ADMINISTRATION: 1945 to Present
(P=Pardon; C=Commutation; R=Remission of Fine)

Presidents	Petitions Pending		Petitions Received		Petitions Granted			Petitions Denied		Petitions Closed Without Presidential Action	
	P	C	P	C	P	C	R	P	C	P	C
George W. Bush											
FY 1989 *(8.5 mos.)*	488	186	115	130	9	1	0	122	22	41	112
FY 1990	432	184	206	148	0	0	0	94	22	59	114
FY 1991	485	196	172	146	29	0	0	390	198	62	31
FY 1992	180	109	174	205	0	0	0	45	76	40	31
FY 1993 *(3.5 mos.)*	269	207	64	106	36	2	0	25	111	18	8
Total *(48 mos.)*			731	735	74	3	0	676	429	220	296
William J. Clinton											
FY 1993 *(8.5 mos.)*	260	192	172	526	0	0	0	1	2	33	53
FY 1994	392	656	228	580	0	0	0	175	400	74	136
FY 1995	371	700	209	403	53	3	0	158	258	39	133
FY 1996	330	709	204	308	0	0	0	72	139	23	137
FY 1997	438	736	209	476	0	0	0	69	325	38	123
FY 1998	540	764	201	407	21	0	0	54	126	37	161
FY 1999 *(6 mos.)*	629	884	129	342	34	0	0	126	120	14	92
Total *(74.5 mos.)*			1,352	3,042	108	3	0	655	1,370	258	835

LEGEND: The statistics for petitions granted are taken from a count of clemency warrants maintained by the Office of the Pardon Attorney. Cases in which multiple forms of relief were granted are counted in only one category. Excluded are individual members of a class of persons granted clemency by proclamation, such as President Carter's proclamation granting clemency to certain Viet Nam era offenders, and persons granted clemency after action by President Ford's Presidential Clemency Board. "Fiscal year" was originally defined as July 1 to June 30, but in 1976 became October 1 to September 30. The number of petitions pending at the beginning of a fiscal year may not correspond with the number computed from case-processing figures reported for the previous year due to the fact that minor subsequent corrections in case closure for a previous fiscal year(s) have been made.

EXHIBIT 26

1-2.108 Office of the Pardon Attorney

The Pardon Attorney assists the President in the exercise of his power under Article II, Section 2, clause 1 of the Constitution (the pardon clause), Executive Order dated June 16, 1893 (transferring clemency petition processing and advisory functions to the Justice Department), the Rules Governing the Processing of Petitions for Executive Clemency (codified in 28 CFR §§ 1.1 et seq.), and 28 CFR §§ 0.35 and 0.36 (relating to the authority of the Pardon Attorney). The Pardon Attorney, under the direction of the Deputy Attorney General, receives and reviews all petitions for executive clemency (which includes pardon after completion of sentence, commutation of sentence, remission of fine, and reprieve), initiates and directs the necessary investigations, and prepares a report and recommendation for submission to the President in every case. In addition, the Office of the Pardon Attorney acts as a liaison with the public during the pendency of a clemency petition, responding to correspondence and answering inquiries about clemency cases and issues.

Role of U.S. Attorney in Clemency Matters

The Pardon Attorney routinely requests the United States Attorney in the district of conviction to provide comments and recommendations on clemency cases that appear to have some merit, as well as on cases that raise issues of fact about which the U.S. Attorney may be in a position to provide information. (Occasionally, the U.S. Attorney in the district in which a petitioner currently resides also may be contacted. In addition, in cases in which the petitioner seeks clemency based on cooperation with the government, the Pardon Attorney may solicit the views of the U.S. Attorney in the district(s) in which the petitioner cooperated, if different from

the district of conviction.) While the decision to grant clemency generally is driven by considerations that differ from those that dictate the decision to prosecute, the U.S. Attorney's prosecutive perspective lends valuable insights to the clemency process.

The views of the U.S. Attorney are given considerable weight in determining what recommendation the Department should make to the President. For this reason, and in order to ensure consistency, it is important that each request sent to the district receive the personal attention of the U.S. Attorney. Each petition is presented for action to the President with a report and recommendation from the Department, and the recommendation by the U.S. Attorney is included in this report.

The U.S. Attorney can contribute significantly to the clemency process by providing factual information and perspectives about the offense of conviction that may not be reflected in the presentence or background investigation reports or other sources, e.g., the extent of the petitioner's wrongdoing and the attendant circumstances, the amount of money involved or losses sustained, the petitioner's involvement in other criminal activity, the petitioner's reputation in the community and, when appropriate, the victim impact of the petitioner's crime. On occasion, the Pardon Attorney may request information from prosecution records that may not be readily available from other sources.

As a general matter, in clemency cases the correctness of the underlying conviction is assumed, and the question of guilt or innocence is not generally at issue. However, if a petitioner refuses to accept his guilt, minimizes his culpability, or raises a claim of innocence or miscariage of justice, the U.S. Attorney should address such claims.

In cases involving pardon after completion of sentence, the U.S. Attorney is expected to comment on the petitioner's post-conviction rehabilitation, particularly any actions that may evidence a desire to atone for the offense, in light of the standards generally applicable in pardon cases as discussed in the following section. Similarly, in commutation cases comments may be sought on developments after sentencing that are relevant to the merits of a petitioner's request for mercy.

In pardon cases, the Pardon Attorney will forward to the U.S. Attorney copies of the pardon petition and relevant investigative reports. (These records should be returned to the Pardon Attorney along with the response.) In cases involving requests for other forms of executive clemency (i.e., commutation of sentence or remission of fine), copies of the clemency petition and such related records as may be useful (e.g., presentence report, judgment of conviction, prison progress reports, and completed statement of debtor forms) will be provided.

The Pardon Attorney also routinely requests the U.S. Attorney to solicit the views and recommendation of the sentencing judge. If the sentencing judge is retired, deceased, or otherwise unavailable for comment, the U.S. Attorney's report should so advise. In the event the U.S. Attorney does not wish to contact the sentencing judge, the Pardon Attorney should be advised accordingly so that the judge's views may be solicited directly. Absent an express request for confidentiality, the Pardon Attorney may share the comments of the U.S. Attorney with the sentencing judge or other concerned officials whose views are solicited.

The U.S. Attorney may support, oppose or take no position on a pardon request. In this regard, it is helpful to have a clear expression of the office's position.

The Pardon Attorney generally asks for a response within 30 days. If an unusual delay is anticipated, the Pardon Attorney should be advised when a response may be expected. If desired, the official views of the U.S. Attorney may be supplemented by separate reports from present or former officials involved in the prosecution of the case. The U. S. Attorney may of course submit a recommendation for or against clemency even if the Pardon Attorney has not yet solicited comments from the district. The Pardon Attorney informs the U.S. Attorney of the final disposition of any clemency application on which he or she has commented.

Standards for Considering Pardon Petitions

In general, a pardon is granted on the basis of the petitioner's demonstrated good conduct for a substantial period of time after conviction and service of sentence. The Department's regulations require a petitioner to wait a period of at least five years after conviction or release from confinement (whichever is later) before filing a pardon application (28 CFR § 1.2). In determining whether a particular petitioner should be recommended for a pardon, the following are the principal factors taken into account.

1. Post-conviction conduct, character, and reputation: An individual's demonstrated ability to lead a responsible and productive life for a significant period after conviction or release from confinement is strong evidence of rehabilitation and worthiness for pardon. The background investigation customarily conducted by the Federal Bureau of Investigation in pardon cases focuses on the petitioner's financial and employment stability, responsibility toward family, reputation in the community, participation in community service, charitable or other meritorious activities and, if applicable, military record. In assessing post-conviction accomplishments, each petitioner's life circumstances are considered in their totality: it may not be appropriate or

realistic to expect "extraordinary" post-conviction achievements from individuals who are less fortunately situated in terms of cultural, educational, or economic background.

2. Seriousness and relative recentness of the offense: When an offense is very serious, (e.g., a violent crime, major drug trafficking, breach of public trust, or white collar fraud involving substantial sums of money), a suitable length of time should have elapsed in order to avoid denigrating the seriousness of the offense or undermining the deterrent effect of the conviction. In the case of a prominent individual or notorious crime, the likely effect of a pardon on law enforcement interests or upon the general public should be taken into account. Victim impact may also be a relevant consideration. When an offense is very old and relatively minor, the equities may weigh more heavily in favor of forgiveness, provided the petitioner is otherwise a suitable candidate for pardon.

3. Acceptance of responsibility, remorse, and atonement: The extent to which a petitioner has accepted responsibility for his or her criminal conduct and made restitution to its victims are important considerations. A petitioner should be genuinely desirous of forgiveness rather than vindication. While the absence of expressions of remorse should not preclude favorable consideration, a petitioner's attempt to minimize or rationalize culpability does not advance the case for pardon. In this regard, statements made in mitigation (e.g., "everybody was doing it," or "I didn't realize it was illegal") should be judged in context. Persons seeking a pardon on grounds of innocence or miscarriage of justice bear a formidable burden of persuasion.

4. Need for relief: The purpose for which pardon is sought may influence disposition of the petition. A felony conviction may result in a wide variety of legal disabilities under state or federal law, some of which can provide persuasive grounds for recommending a pardon. For

example, a specific employment-related need for pardon, such as removal of a bar to licensure or bonding, may make an otherwise marginal case sufficiently compelling to warrant a grant in aid of the individual's continuing rehabilitation. On the other hand, the absence of a specific need should not be held against an otherwise deserving applicant, who may understandably be motivated solely by a strong personal desire for a sign of forgiveness.

5. Official recommendations and reports: The comments and recommendations of concerned and knowledgeable officials, particularly the U. S. Attorney whose office prosecuted the case and the sentencing judge, are carefully considered. The likely impact of favorable action in the district or nationally, particularly on current law enforcement priorities, will always be relevant to the President's decision. Apart from their significance to the individuals who seek them, pardons can play an important part in defining and furthering the rehabilitative goals of the criminal justice system.

Standards for Considering Commutation Petitions

A commutation of sentence reduces the period of incarceration; it does not imply forgiveness of the underlying offense, but simply remits a portion of the punishment. It has no effect upon the underlying conviction and does not necessarily reflect upon the fairness of the sentence originally imposed. Requests for commutation generally are not accepted unless and until a person has begun serving that sentence. Nor are commutation requests generally accepted from persons who are presently challenging their convictions or sentences through appeal or other court proceeding.

The President may commute a sentence to time served or he may reduce a sentence, either merely for the purpose of advancing an inmate's parole eligibility or to achieve the

inmate's release after a specified period of time. Commutations may be granted upon conditions similar to those imposed pursuant to parole or supervised release or, in the case of an alien, upon condition of deportation.

Generally, commutation of sentence is an extraordinary remedy that is rarely granted. Appropriate grounds for considering commutation have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner, e.g., cooperation with investigative or prosecutive efforts that has not been adequately rewarded by other official action. A combination of these and/or other equitable factors may also provide a basis for recommending commutation in the context of a particular case.

The amount of time already served and the availability of other remedies (such as parole) are taken into account in deciding whether to recommend clemency. The possibility that the Department itself could accomplish the same result by petitioning the sentencing court, through a motion to reward substantial assistance under Rule 35 of the Federal Rules of Criminal Procedure, a motion for modification or remission of fine under 18 U.S.C. § 3573, or a request for compassionate relief under 18 U.S.C. § 3582(c)(1), will also bear on the decision whether to recommend Presidential intervention in the form of clemency. When a commutation request is based on the serious illness of the petitioner, transmission of the U.S. Attorney's response by facsimile in advance of mailing the original is always appreciated.

When a petitioner seeks remission of fine or restitution, the ability to pay and any good faith efforts to discharge the obligation are important considerations. Petitioners for remission also should demonstrate satisfactory post-conviction conduct.

RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY

EXHIBIT 27

United States Department of Justice

WASHINGTON, D.C.

PART 1 - EXECUTIVE CLEMENCY

Sec.

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

1.2 Eligibility for filing petition for pardon.

1.3 Eligibility for filing petition for commutation of sentence.

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

1.5 Disclosure of files.

1.6 Consideration of petitions; recommendations to the President.

1.7 Notification of grant of clemency.

1.8 Notification of denial of clemency.

1.9 Delegation of authority.

1.10 Advisory nature of regulations.

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

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

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

§ 1.2 Eligibility for filing petition for pardon.

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

§ 1.3 Eligibility for filing petition for commutation of sentence.

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

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

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

§ 1.5 Disclosure of files.

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

§ 1.6 Consideration of petitions; recommendations to the President.

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

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

§ 1.7 Notification of grant of clemency.

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

§ 1.8 Notification of denial of clemency.

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

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

§ 1.9 Delegation of authority.

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

§ 1.10 Advisory nature of regulations.

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

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

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

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, 28 CFR 1.1 *et seq.* See also 28 CFR 0.35

EXHIBIT 28

INFORMATION AND INSTRUCTIONS ON PARDONS

Please read carefully before completing the pardon application

1. Submit the petition to the Office of the Pardon Attorney

All petitions, except petitions relating to military offenses (see paragraph 6 below), should be forwarded to the Pardon Attorney, Department of Justice, 500 First Street N.W., 4th Floor, Washington, D.C. 20530. It is important that the completed pardon petition be entirely legible; therefore, please print or type. *The form must be completed fully and accurately in order to be considered.* You may attach to the petition additional pages and documents which amplify or clarify your answer to any question.

2. Federal convictions only

Only *federal* convictions are subject to presidential pardon since the federal pardon power does not extend to state offenses. Necessary information concerning the conviction may be obtained from the clerk of the federal court where you were convicted.

3. Five-year waiting period required

A minimum waiting period of five years after completion of sentence is required before anyone who has been convicted of violating a federal law is eligible to apply for a presidential pardon. The eligibility waiting period required by the Rules Governing Petitions for Executive Clemency (as published in Title 28, Code of Federal Regulations, §1.1 et seq.) begins on the date of the petitioner's release from confinement. If the conviction resulted in probation or a fine and no term of imprisonment, the waiting period begins on the date of conviction. In addition, the petitioner should have satisfied the penalty imposed, including all probation, parole, or supervised release. The waiting period is designed to afford the petitioner a reasonable time in which to demonstrate an ability to lead a responsible, productive and law-abiding life to the betterment of the community. Accordingly, offenses committed subsequent to the offense for which pardon is sought may lengthen the minimum eligibility period for pardons. Waiver of any portion of the waiting period is rarely granted and then only in the most exceptional circumstances.

4. Reason for seeking pardon

In answering question 17 on page 6 of the petition, you should state the specific purpose for which you are seeking pardon and attach documentary evidence (e.g., copies of applicable provisions of state constitutions, statutes or regulations and/or letters from appropriate officials of administrative agencies, professional associations, licensing authorities or the like) that a pardon will be helpful to you in accomplishing the purpose for which it is sought. Most disabilities attendant upon a federal felony conviction, e.g., the right to vote and hold public office, are imposed by state rather than federal law, and may be removed by state action. The federal pardon process is exacting and may be more time-consuming than state procedures for restoration of civil rights, and you may therefore wish to consult in this regard with the Governor or other appropriate authorities of the state of your residence (e.g., the state board of pardons and paroles).

5. Multiple federal convictions

If you are seeking pardon of more than one federal conviction, the most recent conviction should be shown in response to question 2 of the petition and the form completed as to that conviction. The information requested in questions 2 through 4 of the petition concerning any other federal convictions, including convictions by military courts-martial, should be provided on an attachment. Any federal charges not resulting in conviction should be reported in the space provided for prior and subsequent arrests (question 5).

6. Pardon of a military offense

If you are requesting pardon of a military offense only, you should submit your completed petition directly to the Secretary of the military department which had original jurisdiction in your case, completing questions 2 through 4 and question 13 of the petition form to show all pertinent information concerning your court-martial trial and conviction. You should be aware that pardon of a military offense will not change the character of a military discharge. This may be accomplished only by appropriate military authorities.

7. *Additional arrest record*

You must disclose in answering question 5 *any* additional arrest record (civilian or military), whether local, state or foreign, both prior and subsequent to the offense for which you are seeking pardon. Your answer should list every violation, including traffic violations that resulted in an arrest or criminal charge. Your failure to disclose any such arrest, whether or not it resulted in conviction, may be construed as falsification of the petition.

8. *Credit status and civil lawsuits*

In response to question 12, you must list all delinquent credit obligations, whether or not you dispute them. You must also list all civil lawsuits in which you were named as a party, whether as plaintiff or defendant. You must also list all unpaid tax obligations, whether federal, state or local. You may submit explanatory material in connection with any of these matters, e.g., an agreed method of payment for indebtedness.

9. *Character references*

At least three character affidavits must accompany the petition. If you submit more than three, you should designate the three persons whom you consider to be primary references. The affidavit forms provided are preferred; however, letters of recommendation which evidence therein a knowledge of the offense for which you seek pardon may be substituted. Persons submitting references should not be related to you by blood or marriage.

10. *Effect of a pardon*

A presidential pardon will *not* erase or expunge your record of conviction. A presidential pardon is a sign of forgiveness and not of vindication. It does not connote or establish innocence. Therefore, you will still be required to report the conviction where such information is required. In addition, in considering the merits of a pardon petition, pardon officials take into account statements by the petitioner relating to acceptance of responsibility, remorse and atonement.

11. *Scope of investigation*

Pardon officials conduct a very thorough review in determining a petitioner's worthiness for relief. Petitioners should therefore be prepared for a detailed inquiry into their background and current activities. Among the factors entering into this determination are the nature, seriousness, and recentness of the offense, petitioner's prior and/or subsequent criminal record, any specific hardship the petitioner may be suffering by reason of the conviction (see paragraph 4 above), and the nature and extent of an applicant's post-conviction involvement in community service, charitable or other meritorious activities. Regarding the latter, submission of information concerning the petitioner's noteworthy community contributions is encouraged.

12. *Presidential pardon authority*

The power to grant pardons is vested in the President alone. No hearing is held and there is no appeal from an adverse decision in a pardon matter. The specific reasons for the action taken in a pardon matter are not disclosed. If your petition is denied, you may submit a new petition for consideration two years from the date of denial if new and significant information or substantially changed circumstances support favorable action.

For more information, you may contact the Office of the Pardon Attorney at the address provided in paragraph 1 above or by telephone at (202) 616-6070.

Processing of a Commutation Petition **EXHIBIT 29**

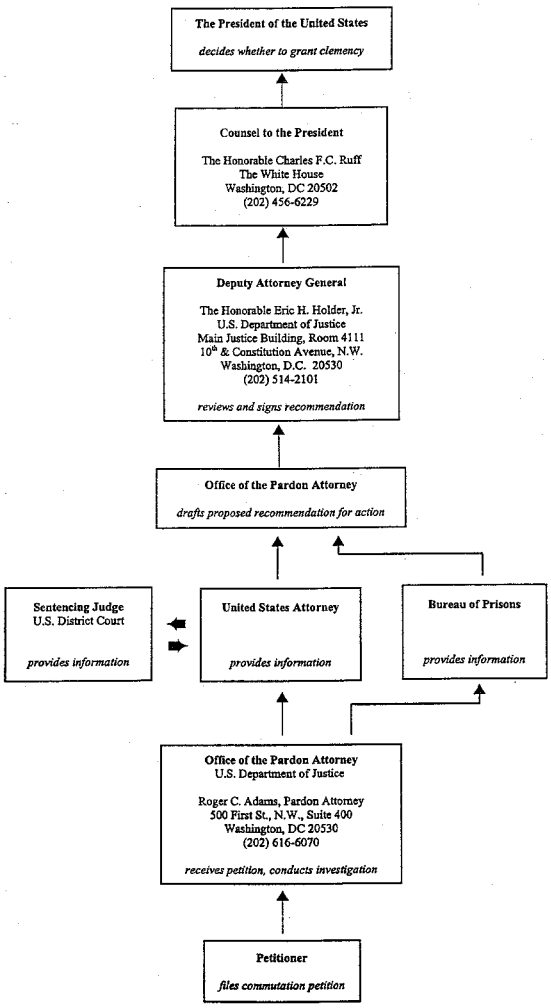
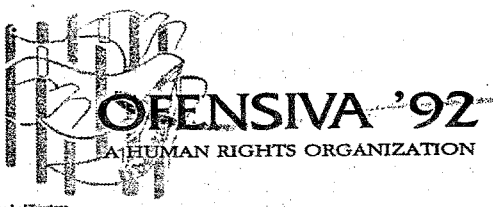


EXHIBIT 30



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November 9, 1993

Margaret Colgate Love
United States Pardon Attorney
500 First Street, N.W., Seventh Floor
Washington, D.C. 20534

Dear Pardon Attorney Margaret Colgate Love,

As the legal representatives of the Puerto Rican political prisoners in United States custody for their activities in support of the independence and self-determination of Puerto Rico, we are writing to make formal application for their immediate and unconditional release pursuant to the constitutional powers given the President in Article 2, Section 2, Clause 1. In previous correspondence, you have indicated that the application must be made by the prisoner him or herself. However, our research of the history of pardons reveals that there is ample precedent for the President to grant a pardon without any application whatsoever[1], or where application is made by someone on behalf of the prisoner.[2]

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[1]In 1921, President Harding commuted the sentence of Eugene Debs, although no application had been made, and in 1981, President Reagan pardoned, without application, two FBI agents convicted of breaking into homes of associates of the Weather Underground. President Ford's 1984 pardon of President Nixon also seems to have been granted in the absence of any application.

[2]In 1952, President Truman commuted Puerto Rican Nationalist Oscar Collazo's death sentence to a term of years, and in 1979, President Carter commuted the sentences of Puerto Rican Nationalists Lolita Lebrón, Rafael Cancel Miranda, Irving Flores and Oscar Collazo. In both cases, applications had been submitted not by the persons convicted, but by others who sought their commutation/release.

P. O. Box 20190, Río Piedras, Puerto Rico 00928

In weighing this application, it will be important to take into account the political nature of entire matter, beginning with the colonial nature of the relationship between the United States and Puerto Rico and including the acts charged, the accusations, the trials, and the positions assumed by these men and women.

The history of the birth of the United States offers the opportunity for the U.S. to understand, perhaps better than other nations, the burning desire of a people to be free from colonial control. In freeing themselves from King George's oppression, the thirteen colonies fought against a mighty and powerful empire, but fought they did, against all odds, with whatever resources and creativity they could muster. They won because of their indomitable will to be free. This love of freedom they enshrined in the Declaration of Independence, adamantly protecting the right of the people to life, liberty and the pursuit of happiness by expressly providing that the people have a right to alter or abolish any form of government which becomes destructive of those ends, and to institute a new government which may effectively secure those ends. Their war of independence has inspired many peoples since.

In 1960, the United Nations General Assembly called for "a speedy and unconditional end [to] colonialism in all its forms and manifestations." [3] By 1970, that same body declared "that further continuation of colonialism in all its forms and manifestations is a crime which constitutes a violation of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law."[4] The latter resolution recognized the right of colonial peoples to do precisely what the thirteen colonies had done: "to struggle by all necessary means at their disposal against colonial powers which suppress their aspiration for freedom and independence." The same United Nations, through its Decolonization Committee, established to monitor the implementation of its resolutions mandating an end to colonialism, has repeatedly declared that Resolution 1514 (XV) applies to the case of Puerto Rico.

The men and women on whose behalf this application is submitted are Puerto Ricans who witnessed and lived the conditions

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[3]General Assembly Resolution 1514 (XV), Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960.

[4]General Assembly Resolution 2621 (XXV), Programme of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, October, 1970.

wrought by U.S. colonial control,[5] who love their people, their culture, their nation, and who, like the founding mothers and fathers of the thirteen colonies and of so many other countries in the world, were moved by this love and a burning desire for freedom to seek an end to colonialism, to seek self-determination and independence. What a stunning irony that they are in the prisons of those who loved and fought for that same freedom.

The U.S. government historically, and the Clinton administration currently, have taken a leading role in ensuring the end of apartheid regimes and occupation of one people by another, outside the context of Puerto Rico. Recent events in South Africa and the Middle East evidence those efforts. Yet, those events, and the U.S. role in them, evoke another irony. Nelson Mandela, appropriately recognized by Presidents Bush and Clinton and the world as a leader of his people, a freedom fighter, and a key player in developing the post-apartheid future of his country, was charged with virtually the identical "crimes" and was sent to prison for virtually the same reasons these Puerto Rican men and women are in custody today. Why, then, are Mr. Mandela and Mr. Arafat, fighters for the self-determination of their peoples, once regarded by the United States government as "terrorists," welcomed to the White House, while their Puerto Rican counterparts, who struggle for the same rights of self-determination of their people, languish in the jails of their host?

The Puerto Rican nation is at a crucial moment, making this application timely for many reasons. The nature of the relationship between the United States and Puerto Rico is very much at issue in Puerto Rico and in Puerto Rican communities in the United States. As have most past presidents of the United States, the current pro-statehood governor on the island recognizes the colonial status of Puerto Rico. He has called for a non-binding consultation to take place this month, in which residents of the island will be asked to choose between statehood, commonwealth and independence. While there is no right to statehood or commonwealth, as they exist only at the will of U.S. Congress, there is a right to self-determination and independence, and the vote will occur while adherents to independence are in prison. It would be consistent with notions of justice and democracy to ensure that those in prison be released in order to permit their participation in this process.

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[5]A recent U.S. census revealed that while Latinos lag behind non-Latinos in education, income, employment and home ownership, Puerto Ricans lag behind all other Latinos in household income and rank highest in the percent of those living under the poverty level. See, e.g., Jesús M. García, The Hispanic Population in the United States: March 1992 (Revised) (U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census).

When the first fourteen of the Puerto Rican political prisoners listed below proceeded to trial, they claimed to be members of the anti-colonial clandestine movement which sought to exercise the legitimate right of the Puerto Rican people to self-determination, and invoked international law which applies to the United States and which provides that a colonial government may not criminalize anti-colonial conduct[6] and that captured anti-colonial combatants are entitled to prisoner of war status.[7] They therefore did not recognize the jurisdiction of the courts of Illinois or the United States to prosecute them and elected not to defend themselves at trial, nor did they pursue appeal. Thus, all the government's evidence against them was not unchallenged at trial. The remaining four individuals challenged the government's evidence and asserted that they were being prosecuted and persecuted because of their commitment and activism in support of Puerto Rican independence.

The prisoners are serving extraordinarily lengthy sentences which are disproportionate when compared to sentences for all other offenses, and most of them have already served more than ten and thirteen years in prison, far longer than the average time served in the U.S. for the most heinous offenses against society, and far longer than the average time served by political prisoners in other countries.

The call for their release enjoys wide support in the United States, Puerto Rico, and internationally. Governor Rosselló has stated his belief that the prisoners have already served a reasonable time in prison. Former governor Rafael Hernández Colón supports their release. Among the United States Congressional Representatives who have called for their release are Puerto Rican Representatives Luis Gutiérrez and Nydia Velázquez. Many civic and religious organizations have also joined in the call for their release, including the Puerto Rican Bar Association; the National Conference of Black Lawyers; the National Lawyers Guild; the United Church of Christ; many municipal governments throughout Puerto Rico; the City Council of the City of New York and the mayor of the City of New York, David Dinkins. One indication of the extent of support is reflected in the act of the Puerto Rican community in New York, which, when it convened a "counter consultation", having been excluded from voting in the November 14, 1993, consultation on the island, proposed including as a measure on their ballot the

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[6]See, e.g., General Assembly Resolution 1514 (XV) (12 December 1960); General Assembly Resolution 2621 (XXV) (12 October 1970); General Assembly Resolution 3103 (12 December 1973).

[7]See, e.g., General Assembly Resolution 2621 (XXV) (12 October 1970); 6 U.S.T. 3516; Geneva Conventions of 1949 and the Additional Protocols (I and II) (8 June 1977); General Assembly Resolution 3103 (12 December 1973).

issue of the prisoners' excarceration.

Support for their release has also come from international quarters, including the American Association of Jurists, the Brehon Law Society, Australian parliamentarians, faculty members of the University of South Africa, and representatives of human rights organizations throughout the world who attended the recent United Nations World Human Rights Conference.

93-11-0133 We make this application on behalf of the following persons:

Dylcia Pagán, 88971-024, FCI Pleasanton, CA, born October 15, 1946. In custody since April 4, 1980, she was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 55 years in prison. She attended Brooklyn College. Her son was a toddler when she was arrested. In prison, she has energetically poured herself into creating positive programs for women in prison, from teaching aerobics to directing theatrical performances to creating carnivals for Children's Day.

93-11-0134 Elizam Escobar, 88969-024, FCI El Reno, OK, born May 24, 1948. In custody since April 4, 1980, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 60 years in prison. His son Elizer was only 5 years old at the time of his arrest in 1980. His family resides in Puerto Rico, and can afford to travel to see him only once a year. When his father passed away in 1991, the prison refused to allow him to travel to his bedside or attend the funeral, stating that his release date of 2014 warranted the denial. Having earned a degree in Fine Arts from the University of Puerto Rico, and having been a painter before his arrest, he has continued to paint and write while in prison, and his paintings have been exhibited throughout the United States and Puerto Rico, as well as in several other countries, including Scotland, Canada, and Nicaragua. A critic and historian recently noted that his work is "the best in painting that has come from Puerto Rican hands in some time. These are risky words but entirely warranted." His writings on art and politics have been published in journals in Canada, England, Italy, Latin America, and the U.S.

93-11-0135

Ida Luz Rodríguez, 88973-024, FCI Pleasanton, CA, born July 7, 1950. In custody since April 4, 1980, she was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 75 years in prison. She attended the University of Illinois. She is mother to Damián, age 20, who has been raised by his maternal grandparents since his mother's arrest. She considers her absence from her son - her release date is 2014 - her "greatest sacrifice to the Puerto Rican independence process". Throughout her years in prison her father has had several open heart operations, marking the distance of prison. In spite of isolation, including for 11 months in total isolation in Alderson prison's Cardinal Unit, she remains healthy and positive, taking university courses to complete her bachelor's degree and studying psychology, health and environment issues.

93-11-0136 Adolfo Matos, 88968-024, USP Lompoc, CA, born September 18, 1950. In custody since April 4, 1980, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 70 years in prison. His daughters Rosa María and Lydia, ages 4 and 9 at the time of his arrest, live in New York, and can afford to travel only rarely to California where he has been held for the past several years. His parents, who live in Puerto Rico, see him even less often. His perspective on life in prison is reflected by his view that the important issue is not that he is in prison but why, that there is a difference between being convicted and having convictions. In the prison craft shop he has become an artisan, working in copper etchings that depict Puerto Rican historical and cultural figures.

93-11-0137 Haydeé Beltrán, 88462-024, FCI Pleasanton, CA, born June 27, 1955. In custody since April 4, 1980, she was convicted in 1980 of violating 18 U.S.C. Section 844(i), bombing resulting in death, and sentenced to life in prison. She attended the University of Illinois. Her daughter was three years old when she was arrested. At a 1990 hearing, the U.S. Parole Commission refused to grant her parole and told her to return for reconsideration in the year 2005 after serving an additional 15 years, ignoring support for her release on parole from a high-placed Bureau of Prisons official. In her more than 13 years in federal custody, she has distinguished herself in many positive ways, being the first prisoner at

Pleasanton to earn a bachelors degree; serving as lead clerk in the Office of Vocational Training; tutoring word processing and computer software use; contributing to the Children's Center program when it was in operation; and maintaining absolutely clear conduct, receiving not a single disciplinary infraction.

93-11-0138 Carmen Valentín, 88974-024, FCI Pleasanton, CA, born March 2, 1946. In custody since April 4, 1980, she was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 90 years in prison. She obtained a bachelor's degree in Spanish from Northeastern Illinois University, a master's degree in secondary school administration from Roosevelt University, and was doing coursework for her PhD in psychology at Loyola University at the time of her arrest. Her son Antonio, 11 years old when she was arrested in 1980, has now graduated from college. Aside from doting from afar on her granddaughter, now two years old, she has managed to maintain her health as well as her interest in and knowledge of world affairs. She has found a certain peace and privacy by not participating in prison activities, as participation led either to feelings of disappointment and powerlessness when the administration destroyed what she tried to create, to recognition, which she does not want. Her release date is 2043.

93-11-0139 Carlos Alberto Torres, 88976-024, FCI Oxford, WI, born September 19, 1952. In custody since April 4, 1980, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 70 years in prison. He attended Southern Illinois University. His daughter was three years old when he was arrested. Federal prison officials severely limited his correspondence and visits, and placed him in Alabama for 7 years, making it difficult for his immediate family in Chicago - the only visitors he was allowed - to visit. In prison he has worked many years as a baker, attended college, and taught Spanish to fellow prisoners.

93-11-0140 Ricardo Jiménez, 88967-024, USP Lewisburg, PA, born April 3, 1956. In custody since April 4, 1980, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section

5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 90 years in prison. He attended Loyola University and the Chicago Institute of Technology where he studied pharmacology. His arrest rent his family, as he was a main source of emotional support for his mother and his two nephews. His mother, who died of cancer in 1990, was too ill for years before her death to travel to see him in prison in Pennsylvania. Prison authorities refused to allow him to travel to her bedside or attend her funeral. In prison, he gravitated to educational programs, both as a student and as a tutor for other students, including volunteer teaching illiterate and functionally illiterate prisoners to read and write.

Ms. Pagán, Mr. Escobar, Ms. Ida Rodríguez, Mr. Matos, Ms. Valentín, Mr. Torres and Mr. Jiménez, were initially convicted in court in the state of Illinois for charges arising from the same series of events of which they were accused later in federal court. Convicted of violating Ill. Rev. Stat. Ch. 38 Section 8-2(a), conspiracy to commit armed robbery, (the same as charged in Count 2 of the federal indictment) and Ill. Rev. Stat. Ch. 38 Section 24-1(a)(7) and (a)(10), unlawful use of weapons (the same as charged in Counts 3,4,7,8, and 9 of the federal indictment), they were sentenced to 8 years, of which they served 4 years in state custody. After serving their state sentences, the federal government took them into custody to begin serving their 55 to 90 year federal sentences, which ran consecutive to the state sentences.

93-11-0141 Alicia Rodríguez, currently in custody in the state of Illinois, born October 21, 1953. In custody since April 4, 1980, she was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 55 years in prison. She attended the University of Illinois. She has been in the same small prison in Illinois for the past 13 years. While others with clear conduct earn privileges and responsibilities within the prison, the opposite has been true for her. Although she is one of the longest held prisoners in the prison, with an immaculate record which includes the accumulation of a bachelors degree with honors, after 13 years she is not even permitted to walk unescorted across the grounds. Her goal of obtaining independence for her country "helps us surpass solitude, sadness, rancor and the insults of our jailers".

93-11-0142 Luis Rosa, currently in custody in the state of Illinois, was

born August 6, 1960. In custody since April 4, 1980, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 26 U.S.C. Section 5861, possession of unregistered firearm; 18 U.S.C. Section 924, possession of firearm during commission of seditious conspiracy and interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 75 years in prison. A mere 19 years old when arrested, and a student at the University of Illinois, his youth, energy and enthusiasm have carried over into prison, where he has continued to be involved in sports, educational and cultural activities. His spotless record has not prevented the state system from shuttling him mercilessly between maximum security prisons, or from one cell to another within such a prison, or from limiting his access to educational and other programs available to other prisoners. A warden of one prison in which he had spent years marveled at Mr. Rosa's example of discipline and his ability to peacefully resolve disputes between fellow prisoners, offering that he would be on "easy street" if he had a prison full of men like Rosa.

Ms. Alicia Rodríguez and Mr. Rosa were also initially convicted in court in the state of Illinois for charges arising from the same series of events of which they were accused later in federal court. Convicted of violating Ill. Rev. Stat. Ch. 38 Section 8-2(a) (conspiracy to commit armed robbery), the same as charged in Counts 1 and 2 of the federal indictment, and the same as Ms. Pagán and the others were convicted of; Ill. Rev. Stat. Ch. 38 Section 18-2(a) (armed robbery), the same as charged in Count 2 of the federal indictment, and the same they and the others were convicted of conspiring to commit; Ill. Rev. Stat. Ch. 38 Section 33A-2 (armed violence), the same as charged in Count 2 of the federal indictment; and Ill. Rev. Stat. Ch. 95 1/2 Section 4-103(a) (possession of a stolen vehicle), the same as charged in Count 2 of the federal indictment, they were sentenced to 30 years, of which they have served almost 14. When they have completed service of their state sentences, the federal government will take them into custody to begin service of their 55 and 65 years federal sentences which are consecutive.

In previous correspondence from Deputy Attorney General Philip B. Heymann, he suggested that "the President's constitutional authority to commute prison sentences extends to federal offenses only." Although Ms. Rodríguez and Mr. Rosa are not currently in federal custody, they have been convicted of violating federal law, and the President's Constitutional power extends to their federal sentences.

93-11-0143 Oscar López-Rivera, 87651-024, USP Marion, IL, born January 6, 1943. In custody since May 27, 1981, he was convicted in 1981 of violating 18 U.S.C. Section 2384, seditious conspiracy; and related

offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 1951, armed robbery of a truck; 18 U.S.C. Section 924, interstate transportation of firearm; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 55 years in prison. In 1987, he was convicted of violating 18 U.S.C. Section 371, conspiracy; and 18 U.S.C. Section 1952, using a telephone to facilitate unlawful activity, and sentenced to a consecutive term of 15 years. He attended City Junior College. As a youth he was drafted and sent off to Viet Nam, where he earned a Bronze Star. When he returned from the war in 1967, he found that drugs, unemployment, housing, health care and education in the Puerto Rican community had reached dire levels, and immediately set to work organizing to improve the quality of life. Now held under the harshest prison conditions this country has to offer, the 50 year old López sees the oppressive environment of Marion as a sort of test of his willpower and creativity, one that has resulted in a number of beautifully crafted paintings and drawings. Although he recently became a grandfather, he has not been permitted to hold or touch his granddaughter, as a glass wall separates him from all visitors. His 73 year old mother, who lives in Puerto Rico, is able to see him only infrequently.

93-11-0144 Alejandrina Torres, 92152-024, FCI Pleasanton, CA, born June 18, 1939. In custody since June 29, 1983. Convicted of violating U.S.C. 18 Section 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 26 U.S.C. Section 5861, possession of firearms; 18 U.S.C. Section 371, conspiracy; 18 U.S.C. Section 842, unlawful storage of explosives; 18 U.S.C. Section 2312, interstate transportation of stolen vehicle; and sentenced to 35 years in prison plus 5 years on probation. When she was arrested in 1983, her two daughters Catalina and Liza were 11 and 16 years old. Their father, Reverend José A. Torres, a United Church of Christ ordained minister, stepped in to be both father and mother. Since her imprisonment the 54 year old Mrs. Torres has been plagued by health problems which were only aggravated by prison staff's violent attacks and indifference to her medical needs. It took the federal prison system six years to place her in a regular women's prison. Two of those six years were spent in the underground Women's High Security Unit at Lexington, KY, the conditions of which were condemned by Amnesty International as "deliberately and gratuitously oppressive" and as causing physical and psychological deterioration. In 1989, she was placed at FCI Pleasanton, CA, across the continent from her ailing 92 year old mother in New York. She is scheduled for release in the year 2004.

93-11-0145 Edwin Cortés, 92153-024, USP Leavenworth KS, born March 27, 1955. In custody since June 29, 1983. Convicted of violating 18 U.S.C. 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 26 U.S.C. Section 5861, possession of firearms; 18 U.S.C. Section 371, conspiracy; 18 U.S.C. Section 842, unlawful storage of explosives; 18 U.S.C.

Section 2312, interstate transportation of stolen vehicle; 18 U.S.C. Section 1951, conspiracy to commit armed robbery; and sentenced to 35 years in prison plus 5 years on probation. He obtained a bachelor's degree from the University of Illinois. His children were 4 and 2 when he was arrested in 1983. His first 10 months in custody were spent in isolation, imposed solely because of the political nature of the charges against him, and ended only when the federal court ordered the prison to place him in the general population. He has since continued his education in custody, academic as well as vocational. In 1987, as his family travelled from Chicago to visit with him in Pennsylvania, their car was overrun by a semitrailer truck. His brother Julio's spinal cord was severed in the collision. Their subsequent visits have been painfully humiliating, as prison officials refused to permit the family to visit in the same room where ablebodied people visit. A recent request to transfer to a prison closer to his family resulted in a punitive transfer, uprooting him and placing him in another penitentiary approximately the same distance from his family.

93-11-0146 Alberto Rodríguez, 92150-024, USP Lewisburg PA, born April 14, 1953. In custody since June 29, 1983. Convicted of violating 18 U.S.C. 2384, seditious conspiracy; and related offenses, all of which comprised the seditious conspiracy, i.e., 18 U.S.C. Section 371, conspiracy; 26 U.S.C. Section 5861, possession of firearm; 18 U.S.C. Section 1951, conspiracy to commit armed robbery; and sentenced to 35 years in prison plus 5 years on probation. He obtained a bachelor's degree from the University of Illinois. His son Ricardo was only months old when he was arrested; his daughter Yazmín, only 5 years old. Seeing them only once a year on average, his children have grown up without him. Rodríguez' first 10 months in prison were in solitary confinement, where, he says, "I had to search within myself to find the spiritual strength to persevere". The passing of a decade has not made coping with isolation of prison any easier, though he works to prevent stagnation and boredom in a stagnating and boring, not to mention dangerous, environment. Physical exercise, mental stimulation in the form of participating in academic and vocational programs, and creative expression - painting - have kept him healthy and forward looking.

93-11-0147 Antonio Camacho Negrón, 03587-069, FCI Allenwood PA, was born October 4, 1945. In custody since March 21, 1986. Convicted of violating 18 U.S.C. Section 371 (conspiracy, and transportation of stolen money across state lines) and sentenced to 15 years. Married, with four children, he was at the time of his arrest, working as an auto mechanic, attempting to eke out a living to support his family, of which he was the sole source of support.

93-11-0147 Juan Segarra Palmer, 15357-077, FCI Marianna FL, was born March 6, 1950. In custody since August 30, 1985. Convicted of violating 18 U.S.C. Section 371 (conspiracy, bank robbery, Hobbs Act, transportation of stolen money across state lines) and

sentenced to 55 years. Hailing from a family with a long history of resistance to both Spanish and U.S. colonialism, Mr. Segarra Palmer continues this proud tradition, having done cultural work in the barrios of New York, the prisons in Boston, and among the anti-mining and squatter movements in Puerto Rico. Before his 1985 arrest, he graduated from Harvard University and continued his graduated studies in Cuernavaca, México. He worked as a machinist and building superintendent, traveled, and devoted himself to the struggle for independence. He and his wife have five children, Wandy, Luriza, Amilcar, Ramón and Zulena, the last of whom was born in prison to his wife Lucy Berríos, who was a co-defendant.

93-11-0149 Roberto José Maldonado, 03588-069, Federal Medical Center, Ft. Worth TX. In custody since 1986. Convicted of violating 18 U.S.C. Section 371 (conspiracy) and sentenced to 5 years. An attorney with a law degree from the University of Puerto Rico, he is married and has two daughters. In the late 60's and early 70's, turbulent times, he directed the Legal Institute of Puerto Rico, and was an ardent defender of students' rights and advocate for indigent sectors of the community. At the time of his arrest he was director of the Institute of Human Rights in Puerto Rico. His incarceration has been costly, in its interference with the further practice of law, and in medical terms, as he suffers from sleep apnea, a life-threatening condition.

93-11-0150 Norman Ramírez Talavera, 03171-069, FCI Raybrook NY, was born November 3, 1957. In custody since August 30, 1985. Convicted of violating 18 U.S.C. Section 371 (conspiracy) and sentenced to five years. He studied at the School of Plastic Arts at the Institute of Puerto Rican Culture. Since his high school days he has been active in the independence movement. He has a wife and two daughters.

* * * *

At this time of shifting global relations and the U.S. government facilitating the making peace accords in areas of strife throughout the world, and given that most of the prisoners have served more than ten years behind bars, that the call for their release enjoys wide support in the United States, Puerto Rico, and internationally, and that their continued incarceration is inconsistent with international law and the current administration's human rights agenda, the release of these men and women would be welcomed as a show of good faith and a gesture to demonstrate that peace-making and human rights begin at home. We submit the enclosed memorandum in support of this application and

are prepared to provide you with any further information which you may need to proceed with this application.

Sincerely yours,

Dr. Luis Nieves Falcón
Coordinator

Dr. Margarita Mergal
Coordinator, International Relations

Jan Susler
Attorney

JMS/mg

cc: Honorable William J. Clinton
Honorable Janet Reno

U.S. Department of Justice 93 110137

Pardon Attorney

EXHIBIT 31

Washington, D.C 20530

MAY 18 1994

Dr. Luis Nieves Falcon
P.O. Box 20190, Rio Piedras
Puerto Rico 00928

Dear Mr. Falcon:

I received your letters of January 7, January 14, and April 26, 1994, regarding the requests for commutation of the sentences of 18 Puerto Rican Nationals. I apologize for the delay in responding.

Regarding your request for a meeting, I would be happy to meet with you, preferably in early to mid-June. Please call Susan Kuzma of my staff at (202) 616-6070 to arrange a date and time.

As to your request to be apprised of the steps we are taking in processing these clemency cases, it is the long-standing practice of our office not disclose in any case the specific investigative steps that are being taken. We can advise, however, that we routinely request information regarding prison adjustment from the Bureau of Prisons, which is ordinarily communicated in the form of a progress report. If a current progress report is not already in existence, one may be created in order to respond to our request.

As I am sure you are aware, prison progress reports have a number of purposes and may be created for reasons other than a clemency proceeding. Accordingly, we cannot control whether progress reports in general are created. However, we will not initiate requests for the creation of new progress reports if it is your clients' wish that we not do so. Finally, pursuant to your request, we have withdrawn Ms. Beltran's name from the clemency request.

Sincerely,

Margaret Colgate Love
Pardon Attorney

U.S. Department of Justice X930713146 29

Pardon Attorney

EXHIBIT 32

Washington, D.C 20530

JUL 29 1993

MEMORANDUM

TO: Philip B. Heymann
Deputy Attorney General

FROM: Margaret Colgate Love
Pardon Attorney

SUBJECT: Campaign by Ofensiva '92 - Puerto Rican Prisoners

Please find attached a draft response to a letter from Dr. Luis Nieves Falcon to the Attorney General on behalf of Ofensiva '92, in which he urges the release of 18 Puerto Rican men and women who he states are imprisoned for their "actions in favor of Puerto Rican independence." He states that his organization will in the near future make formal application to the President seeking the release of these individuals. I thought you might find the following background information helpful.

On page two of Dr. Falcon's letter he refers to actions by Presidents Truman and Carter to commute the sentences of certain Puerto Rican Nationalists. One of these, Oscar Collazo, was sentenced to death for the murder of a White House guard during an attempted assassination of President Truman at Blair House in 1950. Collazo's sentence was commuted to life imprisonment by President Truman on July 24, 1952; President Carter further commuted his sentence to time served on September 6, 1979 on humanitarian grounds. The other four beneficiaries of executive clemency, Rafael Cancel Miranda, Andres Figuero Cordero, Irving Flores Rodriguez, and Lolita Lebron, were convicted of various federal offenses in connection with their firing upon the House of Representatives in 1954 and wounding five Congressmen. President Carter commuted the sentence of Cordero to time served on October 6, 1977 (because he had terminal cancer) and of the remaining three on September 6, 1979 on humanitarian grounds. (At the time of their release they had all been imprisoned for at least 20 years, and had served longer terms than almost any other then-incarcerated federal prisoner.) For your information, I have enclosed a copy of the Department's letter of advice in the cases of the four granted clemency in 1979, and a press release issued by the White House at the time.

All five of the above-mentioned Puerto Rican Nationalists were members of "FALN," an organization that refuses to recognize the sovereignty of the United States over Puerto Rico or the authority of the United States in Puerto Rican affairs, and that seeks to further its political goals through acts of violence. Apparently because they regarded themselves as political prisoners, the five refused to apply for parole or executive clemency after their imprisonment and did not submit formal clemency applications. A letter from an attorney who claimed to be their legal representative was accepted in lieu of a formal petition.

The 18 Puerto Ricans whose release is now sought by Dr. Falcon's organization were convicted by federal and Illinois state courts in the 1980's for various offenses, including a 1977 bombing which killed a Mobil Oil company employee and an armed robbery of $7.5 million from an armored car. They are also reportedly members of FALN and subscribe to that organization's political agenda, as evidenced by their refusal to participate in their trials by offering any defense and their failure to pursue appeals of their judgments of conviction. It is therefore possible, as Dr. Falcon's letter implies, that his organization will seek to apply for clemency on their behalf. Although a formal clemency application by an inmate is not mandatory, we ordinarily do require inmates for whom clemency is being considered to submit a signed application, to ensure that they actually desire this relief and that they will accept it if it is granted. (The advisability of this requirement was made apparent in 1979 when Ms. Lebron refused to accept President Carter's grant of clemency. She was nonetheless released by prison officials.) I have therefore thought it wise at least to make reference to the requirement of an individual application in our response to Dr. Falcon, in the hope that it will obviate having to deal with this issue later on.

EXHIBIT 33

U.S. Department of Justice

***Action Memorandum**

1. To: Philip B. Heymann Deputy Attorney General	2. Correspondence Control No.:	3. Due date/Action Forcing Events:
4. Subject: Campaign by Ofensiva '92 Puerto Rican Prisoners	5. ☐ Basic Document ☒ Response	

6. Internal Concurrences			7. External Concurrences		
Office Symbol	Name / Signature	Date	Agency Symbol	Office Symbol	Date
DAG					
ASG					
OLC					
OLA					
OPC					
JMD					

8. List office symbols of those offices that should review memorandum:

9. Point of contact (Name):	10. Telephone No.	11. Office:	12. Date:
Margaret Colgate Love	616-6070	Pardon Attorney	7/28/93

13. Summary:

Dr. Luis Nieves Falcon urges the release of 18 Puerto Rican men and women.

14. Action required	15. Reason for action:
DAG's signature	1041254

16. From (Name/signature):	17. Telephone No.	18. Office:	19. Date:
Margaret Colgate Love	616-6070	Pardon Attorney	7/28/92

*Required for all transmittals to the Attorney General/Deputy Attorney General/Associate Attorney General

Form DOJ-547
Nov. 92

Office of the Deputy Attorney General
Washington, D.C. 20530

Dr. Luis Nieves Falcon
Coordinator, Ofensiva '92
Post Office Box 20190
Rio Piedras, Puerto Rico 00928

Dear Dr. Falcon:

This is in response to your letter of July 5, 1993 to the Attorney General enclosing some 3,000 letters requesting the release of 18 Puerto Rican men and women currently serving prison terms. You state that in the near future your organization will make formal application to the President requesting the release of these individuals.

As the Pardon Attorney advised you by letter dated July 12, 1993, executive clemency for one convicted of a federal offense is generally considered only upon formal application by the individual involved. See 28 C.F.R. § 1.1. Forms for this purpose are available at the institution where the individual is incarcerated, and his or her case worker can advise as to the proper procedure for applying. If any of the individuals whose release you seek do submit applications, they will of course be carefully considered.

The background information submitted by your organization to the Pardon Attorney indicates that at least two of the 18 individuals in question were convicted of violating Illinois state laws, and are incarcerated in Illinois state penal institutions. Since the President's constitutional authority to commute prison sentences extends to federal offenses only, clemency for the individuals imprisoned under the laws of Illinois must be sought from the Governor of Illinois.

I hope the above information is responsive to your concerns and thank you for writing to the Attorney General.

Sincerely,

Philip B. Heymann
Deputy Attorney General

1041255

EXHIBIT 34

MEMORANDUM

DATE: DECEMBER 23, 1993

RECEIVED
DEC 23 8 44 AM '93

TO: WARDEN
UNITED STATES PENITENTIARY
ATLANTA, GEORGIA

FROM: MARGARET COLGATE LOVE
PARDON ATTORNEY

SUBJECT: JUAN ENRIQUE SEGARRA-PALMER
REG. NO. 15357-077
APPLICANT FOR EXECUTIVE CLEMENCY

THIS REFERS TO A REQUEST FOR EXECUTIVE CLEMENCY ON BEHALF OF SUBJECT.

CURRENT PROCEDURES REQUIRE THAT AN APPLICATION FOR COMMUTATION OF SENTENCE BE ACCOMPANIED BY THE FOLLOWING REPORTS IN ACCORDANCE WITH BUREAU OF PRISONS STATEMENT NO. 1330.9, EFFECTIVE APRIL 5, 1982 (28 CFR 571.41):

1. PRESENTENCE REPORT, IF AVAILABLE; OTHERWISE, CLASSIFICATION SUMMARY;

2. JUDGMENT AND CIMMITMENT ORDER; AND

3. MOST RECENT PROGRESS REPORT, TO INCLUDE A COPY OF U.S. PAROLE COMMISSION'S OFFICIAL NOTICE OF ACTION, IF AVAILABLE.

WE WOULD APPRECIATE YOUR FORWARDING THESE REPORTS WITHIN 30 DAYS TO THE OFFICE OF THE PARDON ATTORNEY, 500 FIRST STREET, N.W., SEVENTH FLOOR, WASHINGTON, D.C. 20530. OUR TELEPHONE NUMBER IS (202) 616-6070.

IN THE EVENT THAT THE APPLICANT IS RELEASED OR TRANSFERRED BEFORE NOTIFICATION OF FINAL DISPOSITION OF THE CLEMENCY PETITION, PLEASE NOTIFY THIS OFFICE OF SUCH ACTION IMMEDIATELY.

EXHIBIT 35

Congress of the United States
Washington, DC 20515

November 22, 1993

'93 NOV 26 P4:33
EXECUTIVE

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
Main Justice Building
10th and Constitution Avenue
Washington, D.C. 20530

Dear Attorney General Reno:

As members of Congress of Puerto Rican origin, we have often been approached by constituents very much concerned about Puerto Ricans in our Federal prison system serving sentences perceived to be of a political nature.

We would be extremely grateful for the opportunity to meet with you at your very earliest convenience to exchange our views on this and many other matters of common interest.

Sincerely,

José E. Serrano
Member of Congress

Nydia M. Velázquez
Member of Congress

Luis V. Gutierrez
Member of Congress

EXHIBIT 36

Congress of the United States
Washington, DC 20515

March 29, 1995

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

Dear Mr. President:

We write in response to a request submitted to us by Mr. Manuel Mirabal, Chairman of the Steering Committee of Boricua First!, and President of the National Puerto Rican Coalition, Inc.

Boricua First! is the largest effort to date to unite Puerto Rican communities from throughout the country. More than 400 leaders of civic, community, and non-profit organizations met in an historic event held in Washington, D.C. on the weekend of October 22, 1994 and unanimously, adopted, a resolution asking for you to exercise your Presidential power of Pardon in the case of fifteen Puerto Rican political prisoners held currently in U.S. prisons.

We hereby enclose a copy of the Resolution for your information.

We agree wholeheartedly with the content of the resolution and we wish to add our individual voices to those of the great majority of Puerto Ricans, both on the island and on the mainland, who wish to advance along the path of reconciliation among all Puerto Ricans irrespective of their views on the future political status of the island.

Among the leaders who already have expressed publicly their desire that you exercise your power of pardon as an humanitarian and conciliatory gesture in this case are: former Governors Roberto Sanchez Vilella and Rafael Hernandez Colon; Senate President Roberto Rexach Benitez; Speaker of the House Zaida Hernandez; Senate Minority Leader Ruben Berrios Martinez; San Juan Mayor Hector Luis Acevedo; the Puerto Rico Federation of Labor (AFL-CIO); the Puerto Rico Manufacturers Association; the current President and several past presidents of the Puerto Rico Bar Association; and several local elected and Democratic party officials from New York, Chicago and Philadelphia.

The majority of these fifteen Puerto Ricans have served

PRINTED ON RECYCLED PAPER

close to fifteen years in prison. We consider that they have been punished in a way that is disproportionate to the violations for which they were convicted, both in terms of sentencing and in terms of the time served when compared with both the average sentencing and the average time served of people convicted of murder, armed robbery, rape, and kidnapping.

None of these prisoners was convicted of causing personal injury to anyone.

We hereby request a meeting with you and Attorney General Janet Reno to discuss the details of this very important matter.

Sincerely,

José E. Serrano
Member of Congress

Nydia Velázquez
Member of Congress

Luis Gutierrez
Member of Congress

JES:cw
cc:
The Honorable Janet Reno, Attorney General
Pat Griffin
Marcia Hale
Jeff Farrow

RANKING DEMOCRAT
COMMITTEE ON NATIONAL SECURITY

REPLY TO
OFFICE CHECKED
☐ 2108 RAYBURN H.O.B.
WASHINGTON, DC 20515
(202) 225-2661
☒ 1301 CLAY STREET
SUITE 1000 N
OAKLAND, CA 94612
(510) 763-0370

Congress of the United States
House of Representatives

WASHINGTON OFFICE
CARLOTTHA A. W. SCOTT
ADMINISTRATIVE ASSISTANT
CHARLES C. STEPHENSON, JR.
LEGISLATIVE DIRECTOR

DISTRICT OFFICE
SANDRÉ R. SWANSON
DISTRICT DIRECTOR
H. LEE HALTERMAN
GENERAL COUNSEL

January 12, 1996

93 JAN 22 A10:16

EXHIBIT 37

President William J. Clinton
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

I join with congressional colleagues the Honorable José E. Serrano, the Honorable Nydia Velazquez and the Honorable Luis Gutierrez, in urging you to consider issuing a Presidential pardon to federal prisoners who were convicted of offenses that developed from their commitment to the struggle to secure independence for Puerto Rico.

As my colleagues have pointed out, there broad opinion exists within the Puerto Rican community that these fifteen individuals (Edwin Cortés, Elizam Escobar, Alberto Rodriguéz, Alejandrina Torres, Ricardo Jimenez, Carmen Valentín, Carlos Alberto Torres, Juan Segarra Palmer, Antonio Camacho Negrón, Luis Rosa, Oscar López Rivera, Dylcia Pagán, Adolfo Matos, Alicia Rodríguez, and Ida Luz Rodríguez) have serve disproportionate sentences given the political nature of their offenses and the fact that none of the individuals was convicted of causing personal injury to anyone. As others have noted leading officials in Puerto Rico from a variety of political viewpoints have expressed their support of this view and have joined in the call for you and the Attorney General to consider utilizing the available mechanisms to secure the release of these individuals.

I join with them in this call and hope that upon review you will conclude that justice warrants releasing these individuals back to their community. I thank you for your consideration of this important matter and look forward to hearing your determination.

Sincerely yours,

Ronald V. Dellums
Member of Congress

RVD:hlh

THIS PAPER IS MADE FROM RECYCLED FIBERS

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Local Church
Development
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EXHIBIT 38

July 11, 1995

Ms. Margaret Colgate Love
United States Pardon Attorney
500 First St., NW Seventh Floor
Washington, DC 20534

Fax # 202 616-6069

Dear Ms. Love:

As a representative of the United Church of Christ, I write to ask if you can meet with me on Tuesday morning, July 18, to discuss the issue of amnesty for fifteen men and women incarcerated because of their actions on behalf of Puerto Rican independence. I trust that you are conversant with the issues concerning these prisoners and the request for their release.

I realize that time is short, but because I will already be on the East Coast, I would like to try to take advantage of the possibility of meeting with you at that time. Although our church has never endorsed the actions of these prisoners, we have clearly affirmed the call for their release, particularly in light of the long sentences they have already served.

Many thanks for your most serious consideration. I look forward to meeting with you in the near future.

Faithfully,

C. Nozomi Ikuta

Rev. Dr. C. Nozomi Ikuta
Liberation Ministries
216 736-3280
216 736-3263 (fax)

U.S. Department of Justice
Office of the Pardon Attorney

Nozomi Ikuta
Sandy Sorenson
Hilary Shelton
Dave Rogers
Felix Carrion

MEMORANDUM OF CALL

Previous editions usable

TO:

☐ YOU WERE CALLED BY– ☐ YOU WERE VISITED BY–

Nozomi Ikuta

OF (Organization)

Re: Meeting Jul 26, 1995 in this office. Submission of

☐ PLEASE PHONE ▶ ☐ FTS ☐ AUTOVON

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE names of those also attending = Sandy Sorenson, Hilary Shelton, Dave Rogers and Felix Carrion for security clearance purpose.

RECEIVED BY BPS | DATE 7-20-95 | TIME 1:55

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101–11.6
☆ U.S. G.P.O.: 1993 342-198/80017

MEMORANDUM OF CALL

Previous editions usable

TO: MCL

☒ YOU WERE CALLED BY– ☐ YOU WERE VISITED BY–

Nozomi Ikuta

OF (Organization)

Secretary named Helga

☒ PLEASE PHONE ▶ ☐ FTS ☐ AUTOVON

216-736-3280

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☒ WISHES AN APPOINTMENT

MESSAGE

July 18th Early morning early afternoon Concerning Puerto Rican Prisoners

RECEIVED BY BPS | DATE 7-11-95 | TIME 4:30

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101–11.6
☆ U.S. G.P.O.: 1993 342-198/80017

PEOPLE'S LAW OFFICE

1180 N. Milwaukee
Chicago, Illinois 60622
(312) 235-0070
Fax (312) 235-6699

Michael E. Deutsch
Jeffrey H. Haas
Janine L. Hoft
Peter J. Schmiedel
John L. Stainthorp
Jan Susler
G. Flint Taylor, Jr.
Erica Thompson

EXHIBIT 39

July 11, 1994

Margaret Colgate Love
United States Pardon Attorney
500 First Street, N.W., Seventh Floor
Washington, D.C. 20534

Re: Puerto Rican Political Prisoners

Dear Ms. Colgate Love:

We are writing to confirm our meeting with you on July 19, 1994 at 10:30 a.m. After discussing the meeting with people active in the campaign for the prisoners' release, several expressed interest in attending. Therefore, along with myself and Dr. Nieves Falcón will be attorney Michael Deutsch; Dr. Margarita Mergal of Ofensiva '92; and Josefina Rodríguez, mother of two of the prisoners. It is also possible that a public official may be joining us. We are looking forward to our meeting.

Sincerely yours,

Jan Susler
Attorney

JMS/ji

EXHIBIT 40

U.S. Department of Justice

Pardon Attorney

Washington, D.C 20530

JUL 20 1995

MEMORANDUM

TO: John Trasvina
Office of Legislative Affairs

FROM: Susan M. Kuzma
Office of the Pardon Attorney

SUBJECT: Clemency Request for Puerto Rican Nationalists

At the meeting of June 21, 1995, regarding the clemency request for seventeen Puerto Rican prisoners (for simplicity's sake referred to herein as the "Puerto Rican Nationalists"), we were requested to apprise you of the information we would ordinarily disclose at a meeting with clemency supporters. As we indicated in the meeting, we do not provide information about the investigative steps that are being undertaken in any clemency case, nor do we provide information about the exact point in the process a clemency request is. Thus, we would not disclose whether the views of any given individual or agency had been solicited, or whether our recommendation had been forwarded to the Deputy Attorney General or the White House. Finally, we do not disclose the recommendation that has been made by anyone, including our office, on the clemency petition.

Generally, meetings with clemency supporters are for the purpose of their learning how the clemency process works, in general terms, and providing any additional information they care to provide about the case. We do not engage in a dialogue about the merits of any case, nor do we answer factual or opinion questions about the merits of the case, the chances for success, or the thoughts of anyone, including members of this office, about the case.

As we indicated, we have already had such a meeting with the legal representatives of the Puerto Rican Nationalists and several supporters, including Congressman Gutierrez. That being the case, the attendees at a second meeting may well expect to be provided with more or different information than was provided at the first meeting. It would seem prudent, therefore, not to raise expectations in this regard, as we would not provide any information beyond what has already been communicated.

As to general information regarding the clemency process, we can say the following: Our office is responsible for processing clemency petitions, including conducting whatever

investigation is deemed warranted and preparing a report and recommendation to the President, which is transmitted through the Deputy Attorney General to the White House. We are also responsible for acting as the liaison with the public while the petition is pending. Commutation of sentence is an extraordinary remedy that is very rarely granted. President Clinton has commuted only two sentences during his tenure, of 552 requests for commutation upon which he has acted; President Bush commuted three sentences. An average of approximately 550 petitions for commutation have been received each year since President Clinton took office. While there are no constitutional or other statutory criteria for commutation of sentence, historically some of the circumstances that have been considered as extraordinary include terminal illness and unrewarded cooperation with the government.

cc: Vicki Divoll
Roger Adams

PEOPLE'S LAW OFFICE

1180 N. Milwaukee
Chicago, Illinois 60622
(312) 235-0070
Fax (312) 235-6699

Michael E. Deutsch
Jeffrey H. Haas
Janine L. Hoft
Peter J. Schmiedel
John L. Stainthorp
Jan Susler
G. Flint Taylor, Jr.
Erica Thompson

EXHIBIT 41

July 22, 1994

Margaret Colgate Love
United States Pardon Attorney
500 First Street, N.W., Seventh Floor
Washington, D.C. 20534

Re: Puerto Rican Political Prisoners

Dear Ms. Colgate Love:

On behalf of those of us who attended the July 19 meeting with you and Ms. Kuzma, I wanted to thank you for your time and your interest in our pending petition. We are grateful for the opportunity to advocate their case in person as well as on paper. As we all stated, our primary interest is in expediting the process so that the women and men in custody can rejoin us in civil society as soon as humanly possible. We continue to stand prepared to provide you with any additional information you need in order to accomplish that goal. Thank you.

Sincerely yours,

Jan Susler,
Attorney

JMS/ji

U.S. Department of Justice

Pardon Attorney

EXHIBIT 42

Washington, D.C 20530

July 19, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: ~~Margaret~~ Colgate Love
Pardon Attorney

SUBJECT: Weekly Report for July 19, 1994

Puerto Rican Nationalists - On July 19 we met with attorneys for and supporters of 17 Puerto Rican Nationalists convicted of seditious conspiracy and other offenses arising from their efforts to gain independence for Puerto Rico. Last fall the attorneys submitted a petition for commutation of sentence on behalf of the Nationalists, claiming they are political prisoners and that their sentences are disproportionate. Among the attendees was Congressman Luis Gutierrez of Chicago.

[redacted]

LAW OFFICE

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Jeffrey H. Haas
Janine L. Hoft
Edward J. Koziboski
John L. Stainthorp
Jan Susler
G. Flint Taylor, Jr.
Erica Thompson
Of Counsel
Michael E. Deutsch

EXHIBIT 43

December 17, 1996

Margaret Colgate Love
United States Pardon Attorney
500 First Street, N.W., Seventh Floor
Washington, D.C. 20534

Re: Puerto Rican Political Prisoners

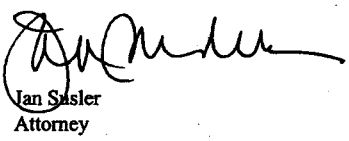
Dear Ms. Colgate Love,

Since our last communication with you, support for the release of the fifteen Puerto Rican political prisoners has continued to grow. Although you are undoubtedly aware of some of this support, as it has not only been documented by way of letters to the administration and has also resulted in meetings with White House Counsel Jack Quinn, we wanted to make you aware of the quantity and breadth of the support. You will therefore find attached an assemblage of documents with a table of contents listing some of the many resolutions, significant letters of support, newspaper articles and publications.

You will note that, while support has grown throughout the three year pendency of the pardon application, it has mushroomed particularly since April of this year. At a July, 1996 mobilization of well over 100,000 people in Puerto Rico, "La nación en marcha", where the commonwealth and independence sectors united to reaffirm their Puerto Ricanness, a key theme was, "*Ya es tiempo de traerlos a casa*" (roughly translated: "It's time to bring [these prisoners] home."). Support in Puerto Rico has been demonstrated in a multitude of other ways, from ads in movie theatres featuring some of the island's best loved cultural icons; to radio spots, again featuring some of the best known actors and musicians; to the production of a documentary, "*Hasta Cuando?*", awarded the prize for best documentary at the recent San Juan International Film Festival. Resolutions calling for the prisoners' release have been adopted by towns, churches, and organizations on the island as well as in the U.S. and internationally. Nobel laureates and other internationally renowned figures have also joined the call for their release. The campaign has collected an additional 70,000 letters to the President, emphasizing that they have already served enough time in prison, asking him to release the fifteen, which letters are to be delivered to the White House by a broad delegation from Puerto Rico and the Puerto Rican community in the United States.

You may be aware that during a meeting with White House Counsel Jack Quinn this past October, religious leaders, led by Rev. Dr. Joan Brown Campbell, general secretary of the National Council of Churches of Christ, urged the prisoners' release during this holiday season. We hope that this packet will prove useful in your evaluation of our pending application, and that you will recommend their release, thus facilitating their reunion with their families.

Sincerely yours,



Jan Susler
Attorney

JMS/bjm
Encl.

cc: Honorable Janet Reno

U.S. Department of Justice

Pardon Attorney

EXHIBIT 44

Washington, D.C 20530

NOV 28 1994

MEMORANDUM

TO: Donna Templeton
Assistant to the Attorney General

FROM: Margaret Colgate Love
Pardon Attorney

RE: Puerto Rican Nationalists

Pursuant to your November 24 note, please be advised that we are processing a request that the President commute the sentences of 17 Puerto Rican Nationalists, including all of the persons named in the letter you referred to us. This request was submitted in November 1993 by several attorneys on behalf of the Nationalists, who claim that they are political prisoners and that their sentences are disproportionate. The Nationalists were convicted of seditious conspiracy and other offenses purportedly arising from their efforts to gain independence for Puerto Rico, and most of them are serving federal prison sentences. Several of them will begin service of a federal sentence upon release from the state sentence they are currently serving. We have solicited comments from the United States Attorneys whose offices prosecuted the cases, and from the sentencing judges, and are awaiting responses.

These cases are briefly described in the attached prior weekly reports. Please let me know if you wish further information.

Attachments

U.S. Department of Justice

Pardon Attorney

Washington, D.C 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Margaret Colgate Love
Pardon Attorney

SUBJECT: Weekly Report for November 23, 1993

THE WEEK IN REVIEW

[redacted]

[redacted]

Offensiva '92 - By letter dated November 9, 1993, counsel for 18 "Puerto Rican political prisoners," most of whom are currently serving federal prison sentences, submitted a letter asking for their "immediate and unconditional release" through an exercise of the President's pardon power. (Several of the individuals involved will begin service of a federal sentence upon release from the state sentence they are currently serving.) After consultation with the Office of the Deputy Attorney General, we have accepted the letter as a request for commutation of the federal sentences and docketed the cases, notwithstanding the absence of individually signed petitions.

[redacted]

U.S. Department of Justice

Pardon Attorney

Washington, D.C 20530

February 22, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Margaret Colgate Love
Pardon Attorney

SUBJECT: Weekly Report for February 22, 1994

THE WEEK IN REVIEW

[redacted]

Offensiva '92: We have been receiving numerous telephone calls in support of clemency for 18 Puerto Rican Nationalists currently serving prison terms for a variety of offenses, who claim to be "political prisoners." (See Weekly Report of November 23, 1993.)

COMPONENT HEAD ACTIVITIES

[redacted]

EXHIBIT 45

U.S. Department of Justice

Pardon Attorney

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

JUL 25 1997

The Honorable Charles F.C. Ruff
Counsel to the President
Washington, D.C.

Dear Mr. Ruff:

On December 16, 1996, a report recommending denial of clemency for 17 Puerto Rican prisoners was forwarded to you. Since that time, the Department of Justice received a letter from former President Jimmy Carter supporting commutation of sentence for these prisoners. As you know, President Carter granted commutation of sentence to a number of Puerto Rican Nationalists during his term of office. We thought you might wish to consider his letter in connection with your deliberations on this matter, and are therefore enclosing a copy of it.

Sincerely,

Margaret Colgate Love
Pardon Attorney

Enclosure

EXHIBIT 46

U.S. Department of Justice

Pardon Attorney

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

MEMORANDUM

To: Roger Adams SEP 23 1997

From: Margaret Love

Re: Pardon Policy Matters

Our interchange about the Puerto Rican cases on Friday prompted some discussion in the office about our general policy in responding to outside inquiries about pending clemency cases. We would appreciate your confirming that this policy, as outlined below, is acceptable. We would also be grateful if you could see that it is communicated to other people in the Deputy's office who may be in a position to be asked about the status of pending clemency cases (including support staff).

In general, the lawyers and paralegals in the office respond to inquiries about the status of pending cases, including inquiries about where a case may be in the decision-making chain, by saying simply that a case is "pending" until it is finally decided. They never reveal exactly where it is in the chain, within the Department or at the White House. (Sometimes we have said that a case is pending in the Pardon Attorney's Office until it is decided by the President or otherwise finally disposed of, but it now seems to me that such an approach may be somewhat misleading if a case is in fact not still pending here.) In the past, this same approach has generally been taken by the Deputy's office as well. The theory has been that minimal disclosure best protects both the process and individual decision makers from lobbying and other unwanted pressures.

In light of Dawn Chirwa's inquiry about the Puerto Rican cases, it seemed to us that it might be helpful to revisit and, if warranted, to reaffirm this policy in light of the twin goals of consistency and accountability. We wanted also to try to make sure that everyone understands it who may be in an official position to get an inquiry about a clemency case, so that the White House can rely on the Department's uniform and generally understood policy in handling its own inquiries. (Of course the White House may wish to reveal that it has a case before it for decision, and prior Administrations have on occasion done this. But the White House has always been able to rely upon the Department not to do so.) The usefulness of such

a policy of nondisclosure is illustrated by an inquiry Dawn told us she had last week from someone interested in the [redacted] case. The inquirer claimed that someone in the Deputy's office had told them that a recommendation in the case had been sent to the White House, which I'm sure was not true, but which does illustrate the lengths to which some people will go to ascertain exactly whose desk a clemency case is on at the moment!

I would also appreciate your confirming the correctness of our present policy on responding to inquiries from the press, of which we seem to have been getting quite a few in recent weeks. We routinely refer all such inquiries to Joe Krovisky in the Office of Public Affairs (that is, when we know for a fact that it is a press inquiry) even if the inquiry involves something entirely routine (such as whether a particular person has been granted clemency). If there is no one available in PAO to take a call, and the reporter is working on a deadline, I try to provide a response through some other part of the Department. For example, last night I had the U.S. Attorney's office in Arizona confirm for a local TV station that a particular individual had not been pardoned by President Bush. The idea is that I do not want anyone in this office (including myself) speaking directly to the press unless ODAG tells us to do so; at the same time, I do not want to appear to be unresponsive to press inquiries. Please confirm the acceptability of this policy.

On another pardon-related matter, I would like to use the small ODAG conference room to meet with Jim Bourke (chief of the FBI unit that does our pardon background investigations) sometime later this week. If this is do-able, would you let the appropriate person in the front office know that I will be calling to reserve the room for a brief period of time when it is not otherwise being used. The FBI background unit has been unhappy with us about the amount and currency of documentary information we require our pardon applicants to provide, and I need to make very clear to Mr. Bourke (even as I make some concessions to his concerns) what role the FBI has in the pardon process. I can use your help in this regard in the form of providing a suitable venue.

Finally, I would appreciate your letting me know the status of my request for a meeting with Mr. Holder to discuss pardon matters. As noted in my memorandum of September 5, I would like our initial meeting to be without staff present.

EXHIBIT 47

I

Notes on DAG Holder's meeting on November 5, 1997 with Congressmen Jose Serrano, Luis Gutierrez, and Nydia Velazquez. Also present were Andy Fois and Roger Adams. Meeting in Cong. Gutierrez's office. Two staff members also present but took no part.

Gutierrez deferred to Serrano as the senior federal official of Puerto Rican nationality.

Cong. Gutierrez said this was a new century. Next year would mark 100 years of U.S. ?? Colonial rule?? Association?? With Puerto Rico. There is a unique relationship between the Puerto Rican community in the U.S. and the "motherland."

Some people have chosen to participate in the anti-colonial movement, but others did not. The defendants in these cases did participate. The sentences and their treatment in prison are not just because of their crimes but because of their political beliefs.

President Carter released people who admitted attacks. These other actions [taken by the 17 defendants] merit serious review of the sentences and how they were arrived at..

Favorable action would be seen as a gesture of reconciliation. These folks have served a long time already "more than others for the quote, unquote same crime."

This group of people -- the defendants -- has the support on the island and in the U.S. of people who don't agree with each other [on other issues, like statehood or independence].

If they are released, they won't be heroes. This is our moment for reconciliation. As we approach the 100th anniversary of the relationship between the U.S. and Puerto Rico, all members of Congress think the relationship has been unfair..

These crimes happened a long time ago. Families have been broken up and they have suffered.

The U.S. is one of the few countries with territories or colonies. We want to move forward and recommend that their release take place.

These people will be no problem in the future. They pose no risk. We feel they have been unfairly treated.

We ask that you "render to us the ability to be here [in Congress] when these people are released."

The people President Carter released are model citizens. One testified before a Congressional hearing -- although it was a field hearing in Puerto Rico. The Department is getting this request from three persons who have chosen to be Members of Congress [although they are loyal, maybe primarily loyal, to Puerto Rico??]

DAG mentioned that they have not filed for clemency. Doesn't this make them arguably unrepentant?

Serrano answered first. The people who were released by President Carter -- referred to as the "Truman guys" -- are model citizens. Whether you are repentant or not goes to who we are as human beings. Nelson Mandella spent 27 years in prison, maybe longer than he would have if he had been repentant.

Cong. Gutierrez continued the answer and made his statement: The fact they have not applied reinforces the political nature of who they are. Even so, he said they would provide an answer in writing to the question of their not having applied and whether this showed lack of repentance.

One person had [worked within the system] by seeking parole. He was told to come back in 10 years by the Parole Commission.

The DAG will probably have a lot of background information relating to things they were not convicted of.

President Clinton has said we should reconcile our differences. People died on the other side of the struggle for independence. His house?? Had been bombed. Anyway, some bombs had been used against persons who favored independence.

No one died in the actions they were convicted of. They put up no defense, thus allowing the prosecutors to pile up the charges. One originally part of the group for whom clemency was sought is no longer part of the group because she was convicted of making a bomb that did kill someone. She is applying on her own.

Gave DAG purported recommendations for clemency from various distinguished people -- 12 Nobel prize winners, Cardinals etc.

These people were part of a movement. "This stuff" happens in the context of anti-colonialism. Handed DAG letters of support from many Members of Congress.

Congresswoman Velazquez (who arrived late):

She worked until fairly recently for the government of Puerto Rico. There are many divisions on Puerto Rican issues [among Puerto Ricans] but this is one issue [their release] "that brings Puerto Rican people together." They have spent too much time in prison already. This issue brings together churches, civic groups, etc. Puerto Ricans have suffered because of political divisions. Clemency would bring them together.

She is comfortable that all of them have reached "peace in their hearts." They will not

cause trouble. They want to see their families. They did not kill anyone. They will not talk about [advocate?] violence. The situation is the same as Mandella's .

She has visited the three women in prison in California. [Dublin, BOP max security for females]. They are working well in prison and teaching English as a second language to inmates.

DAG asked again how they have changed. At this point, Cong. Gutierrez said they would reflect on how they had changed and send something in writing.

Gutierrez continued: We want them back home and productive. The Black Panthers and Weathermen are no longer in prison. But we hang onto the Puerto Ricans. This is one part of that era that is part of the 99 year history. The people Carter let out are "model senior citizens." They speak against violence. At the time they were let out they were really feared by some people, because there was no guarantee that they would not engage in violence.

Congresswoman Velazquez: Clemency would constitute reconciliation. There have been many acts of violence in Puerto Rico [presumably against those seeking independence??] but look at Mandella, and look at the "Jews and Arabs."

There have been no problems with the Puerto Rican movement [meaning no acts of violence??] for a very long time.

[With?] Puerto Ricans [we should be ?] more conciliatory. Dr. King and Malcolm X were not as popular when they died as they are now -- not sure of the context of this remark.

Near the end of the meeting, Cong. Gutierrez mentioned that he hoped the DAG would take a hard look at this. They knew he would be making a recommendation and that "your predecessor" was recused because "she knew one of them." He said the recusal was understandable and proper. [This was mostly of interest since reasons for JSG's recusal were on very close hold and believed not widely known. Not known or to be discused in the Department, per Dennis Corrigan. December 1996]

EXHIBIT 48

United Church of Christ

Office of the President
216 736 2101
Office of the Secretary
216 736 2110
Office of the Treasurer
216 736 2114
700 Prospect Avenue
Cleveland, Ohio 44115
Fax 216 736 2120

March 26, 1998

Mr. Eric Holder
Deputy Attorney General
Department of Justice
950 Pennsylvania Ave.
Washington, DC 20530

Dear Mr. Holder:

Thank you for agreeing to meet with us on April 8 at 11:30 am to discuss the pardon application regarding Puerto Rican men and women imprisoned for their acts and beliefs concerning Puerto Rican independence.

The other participants in the meeting will include:

The Rev. Dr. C. Nozomi Ikuta, Program Minister, United Church Board for Homeland Ministries

The Rev. Bernice Powell Jackson, Executive Director, United Church of Christ Commission for Racial Justice

The Rev. Dr. Bruce W. Robbins, General Secretary, United Methodist General Commission on Christian Unity and Interreligious Concerns

The Rt. Rev. McKinley Young, Ecumenical Officer and President, Council of Bishops, African Methodist Episcopal Church

Please know of our appreciation for your willingness to take the time to meet with us. We look forward to seeing you on April 8.

Sincerely,

Paul H. Sherry

Paul H. Sherry
President

cc: The Rev. Dr. C. Nozomi Ikuta
The Rev. Bernice Powell Jackson
The Rev. Dr. Bruce W. Robbins
The Rt. Rev. McKinley Young

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Executive
Vice President

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Executive
Vice President
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Association
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Division of
Education
and Publication
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Fax: (216) 736-3783

Division of
Evangelism and
Local Church
Development
Tel: (216) 736-3826
Fax: (216) 736-3823

April 9, 1998

Mr. Eric Holder
Deputy Attorney General
Department of Justice
950 Pennsylvania Ave.
Washington, DC 20531

Dear Mr. Holder:

Thank you so much for taking the time to meet with us yesterday. I very much appreciate the opportunity which was afforded to us to speak with you personally regarding our eagerness for the release of these prisoners.

Certainly I appreciate your responsibility, in criminal cases, to ensure the public safety and your need for assurance that prisoners have truly "reformed." In the case of these fourteen men and women, I can vouch with equal confidence for the steadfastness of their political beliefs and the gentleness and maturity with which they now approach the world. Please do recommend their release from prison.

Again, thanks so much for your consideration.

Faithfully,

Nozomi

C. Nozomi Ikuta
216 736-3280

United Church of Christ

Office of the President
216 - 736-2101
Office of the Secretary
216 - 736-2110
Office of the Treasurer
216 - 736-2114
700 Prospect Avenue
Cleveland, Ohio 44115
Fax 216 - 736-2120

April 9, 1998

Mr. Eric Holder
Deputy Attorney General
Department of Justice
950 Pennsylvania Ave.
Washington, DC 20531

Dear Mr. Holder:

Thank you for taking the time to meet with my ecumenical colleagues and me yesterday. We are grateful to you and greatly appreciate how seriously you are addressing the issue of the political prisoners.

Please do not hesitate to contact me if I can provide any additional information.

Sincerely,

Paul H. Sherry

Paul H. Sherry
President

EXHIBIT 49

U.S. Department of Justice

Pardon Attorney

500 FIRST STREET, N.W.
FOURTH FLOOR

Washington, D.C 20530

TELECOPIER COVER SHEET
(202) 616-6070
FAX: (202) 616-6069

4/21/98
DATE

6:35 P.M
TIME

TO: DAWN CHIRWA

FROM: ROGER ADAM

PHONE NO.:

FAX NO.: 456-2146

SUBJECT: NOTES FROM THE MEETING, AND COPY OF "STATEMENT FROM THE... PRISONERS," SUBMITTED BY JAN SUSSER ON APRIL 10. A COPY WAS ALSO PROVIDED BY PAUL SHERRY

NUMBER OF PAGES, INCLUDING THIS COVER SHEET 7

THE ORIGINAL OF THIS DOCUMENT WILL ____ WILL NOT X FOLLOW.

April 8, 1998

TO: Files

FROM: Roger Adams RCA

SUBJECT: Notes on today's meeting with FALN supporters.

Attendees at meeting with DAG Holder, Roger Adams, and Susan Kuzma, Deputy Pardon Attorney

1. Paul H. Sherry, President, United Church of Christ.

2. Rt. Rev. McKinley Young, Chief Ecumenical Officer and President, Council of Bishops, African Methodist Episcopal Church

3. Rev. Dr. (Ms.) C. Nozomi Ikuta, United Church Board for Homeland Ministries.

4. Rev. Bernice Powell Jackson, Executive Director, United Church of Christ Commission for Racial Justice.

5. Rev. Dr. Bruce W. Robbins, General Secretary, United Methodist General Commission on Christian Unity and Interreligious Concerns

After introductory remarks by DAG Holder in which he said that he, Ms. Kuzma, and I were quite familiar with these cases, and after Ms. Kuzma and I explained our positions and roles in the cases, Rev. Sherry spoke. He asked the four other persons to describe who they were with and their interest in these cases. Mr. Sherry said that he considered the "resolution on the release of the political prisoners," an important issue. He said there was a "strong and growing concern" on his part and on the part of others that the prisoners be released. (He did not specify who the "others" were at this point, but he may have meant the other attendees.) Later, he said that he had done a fair amount of world traveling recently and there was "enormous international concern" about these cases. He said that the concern was shared "across a broad range of the political spectrum," and that this is seen as a humanitarian issue. The release of these persons would have "great humanitarian implications."

Mr. Sherry added that he had met with most or all of these persons of whose behalf clemency is sought, and they are "committed to who they are." He believes that, if released, they would contribute to their communities. He also stated that the sentences were out of proportion to the crimes for which they were committed.

DAG Holder asked on what Mr. Sherry based his view that they would contribute to society. Mr. Sherry responded that this was based on their history, both before entering and while in prison, during which periods they had served as teachers, health care workers, and day care organizers. Mr. Sherry said that his meetings with them left him with no doubt that they would contribute, if released.

Mr. Sherry also made reference to a meeting of the World Council of Churches, which he had apparently attended. He said that the head of that body had been in recent contact with the President about these cases.

In response to a comment of DAG Holder's that the President would have to live with whatever decision he made on these cases, Rev. Jackson stated that the situation that would most likely come to his mind was that of Nelson Mandela. Rev. Jackson stated that the situations of the prisoners in not renouncing who they are are comparable to the situation of Nelson Mandela's in that he did not renounce what he believed in, either. There was some discussion with Sherry and Jackson about renouncing violence and accepting responsibility. Rev. Sherry said they would not change their beliefs. This probably meant they would not change their beliefs about the desirability of Puerto Rican independence, although he gave a carefully phrased answer that did not make it entirely clear that they had renounced the use of violence.

Later in the meeting, Mr. Sherry said that while there had been no change in the "deep political convictions" of these persons, there had been a change in their desire to pursue their convictions through democratic and nonviolent means, and that the "President could count on that." He then provided us copies of a statement which he said represented the views of all 17 persons. It appeared he believed this statement showed a change in their attitude, or at least a clarification of their attitude, toward the use of violence. He said he would attempt to have the statement signed and dated. As of the moment, we do not know who wrote the statement or how many of the 14 persons still in prison actually subscribe to it. A copy of the statement is attached. Neither Ms. Kuzma nor I had seen the statement previously, but Mr. Sherry claimed he had given a copy to someone in the White

House Counsel's Office.

Rev Young said that these persons have "been model prisoners everywhere they've been." [This ignores the fact that one is serving fifteen years consecutive for an escape attempt, and that at least one other has a long series of incident reports while in BOP custody.] He then talked of his experiences in South Africa during the final few years of the old regime and the first few years of the new, apparently trying to make the point that he "knew repression," and could judge the capacity of people.

Ms. Ikuta said that she had visited with almost all of the persons in prisons and they were making good progress. They had taught and been day care providers.

She also said she had met with the two living persons who had been commuted by President Carter in 1979, as a result of the Blair House and House of Representatives crimes. They had contributed to their community and had not been involved with criminal activity since their release. Of the current group of persons still in prison, she said they realized a lot of people had labored on their behalf to obtain their freedom. They owe it to them not to get in further trouble if they are released and they know they will be watched.

In response to a question as to why some of those eligible for parole had not sought this method of release, the response - from Sherry or Ikuta - was that their principles would not allow them to do so.

Rev. Robinson said that the timing of the request was fortuitous, coming as it does near the time of a possible vote on Puerto Rican statehood or independence. He asked how these "political considerations" would go into our recommendation. DAG Holder said that the recommendation from OPA would likely not be based on these considerations, but Congressional views and the views of other interested parties and groups are always reported to the President by the Justice Department.

I explained the general pardon/commutation process and acknowledged that my office was preparing a report for submission to the DAG. They wanted to know the likely timing of when it would be prepared. DAG Holder and I assured them it would likely be fairly quickly, but we had delayed its final preparation until after today's meeting. They expressed gratitude for that.

Ms. Ikuta gave us a small notebook with pictures of the families of many of the persons. She noted that in some cases,

close relatives were becoming old and feeble and needed the assistance of those imprisoned. While in some cases those imprisoned could withstand more time because they are relatively young and in good health, their continued incarceration punishes their older relatives.

Either Mr. Sherry or one of the other participants indicated they might again approach the White House Counsel's Office since they now thought the report might be ready fairly soon.

The meeting was of about 40 minutes duration.

Statement from the Puerto Rican Political Prisoners

Four years ago, a petition for our unconditional release was submitted to the Clinton administration by Ofensiva 92, a human rights organization championing our release. The resolution of this petition is still pending. At this particular historical juncture, the people of Puerto Rico are about to mark the one hundredth anniversary of the 1898 United States military invasion and conquest of Puerto Rico. Although the U.S. has implemented minor changes in the relationship, including its title, the colonial status of Puerto Rico has not changed in a century. This fact has been recognized by successive U.S. administrations, members of U.S. Congress, and the leadership of all the political parties in Puerto Rico. The president has recently called for an inclusive democratic process to resolve the relationship. Pending legislation claims to be an effort to decolonize. Such action--decolonization--is not only generally recognized by international law as the most fundamental of all human rights; the United Nations General Assembly has called for an end to colonialism by the year 2000. Even more to the point, through its Decolonization Committee, the United Nations has specifically applied Resolution 1514(XV) to the case of Puerto Rico.

This political panorama characterizing the second half of the decade of the '90's differs significantly with that existing during the decades of the '70's and '80's, when the acts leading to our imprisonment took place. During those years the criminalization of independence and the systematic harassment of supporters of independence and their sympathizers was official government policy, out of which grew COINTELPRO. In Puerto Rico and the United States, the government targeted supporters of independence, including the unconstitutional practice of creating dossiers and conducting surveillance of over 100,000 innocent people, dubbed "subversives", merely because they believed in independence. The policy included dirty tricks, such as pitting organizations against each other, fabricating criminal charges, police entrapment, and other COINTELPRO-type activities, which persisted long beyond the supposed end of the program. Our early attempts at community organizing were frustrated and disrupted by the implementation of such practices, which we also saw implemented against other progressive movements. Many of us were deeply affected by the murder of Black Panther Party leader Fred Hampton, who many of us knew and had worked with. The same government policy also included assassinations of Puerto Ricans as well.

It is within this totality of circumstances, with all other avenues for exercising self-determination foreclosed, that a group of individuals decided to resort to exercise the right of self-determination due all nations, and, concretizing the right accorded by international law to all colonial subjects to use all means at their disposal, waged a struggle against colonialism. During our trials, the U.S. courts, whose jurisdiction we refused to recognize, ignored our assertions of international law. The trials proceeded, some in our absence, and the courts meted out the politically punitive, disproportionate sentences we are serving.

At this juncture, we want to express our disposition to participate in reaching a just and dignified political solution to our colonial problem. If the U.S. Congress and the executive

branch of the U.S. government desire to reach a political solution through a truly democratic process, we are disposed to participate in that process, a process which is necessary for reconciliation to take place, for healing one hundred years of wounds to begin.

This process could best begin with a gesture of goodwill on the part of the U.S. government, in releasing us from prison so that the inclusive process includes those of us who have sacrificed all for that to which every nation, including Puerto Rico, is entitled--independence from colonialism.

Seventeen years of prison have not dampened our commitment to our people, who we hope to rejoin in efforts to rebuild our families and contribute to our communities. We bring a wealth of skills which are much needed--we are teachers, craftspeople, mechanics, plumbers, artists, counselors, computer technicians and healers. The hundreds of thousands of dollars it costs each year to keep us in prison would be better spent on creating jobs in our communities, programs in our schools, health care in our neighborhoods.

Finally, although it is obvious that there is a world of distance between acts like the assaults on innocent civilians in Oklahoma City, at the Olympics, and more recently in Atlanta, and our own struggle for independence, we want to intentionally express that distance. Invoking the right under international law to use all means available does not mean we used them with no respect for human life, even when colonialism is a disrespect for the human life of a nation, a crime perpetrated against all citizens, regardless. It has always been the practice and purpose of groups participating in the independence struggle to take all possible measures to ensure that innocent people are not harmed. Our actions, for the most part symbolic, have had the objective of focusing the attention of the U.S. government on the colonial conditions of Puerto Rico, and not of causing terror to the citizens of the U.S. or Puerto Rico. However, that is not to deny that in all liberation processes, there are always innocent victims on all sides. In the case of Puerto Rico, there are fewer caused by those who struggle for independence in comparison with other liberation movements, taking into consideration as well the disproportionate size of the contenders. In our case, as with all those who seek justice, we learn from past experiences with a sense of self-criticism, always in the context of our just cause, seeking to end colonialism, a crime against humanity. Activities caused by other contradictions as a result of the system that predominates in the United States cannot interfere with the efforts for our release or the struggle to end our colonial situation.

EXHIBIT 50

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 548568
2. TRACKING ID No: X98-079806
3. RESERVED
4. DATE OF DOCUMENT: 06/03/98
5. DATE RECEIVED: 06/09/98
6. DUE DATE: 06/23/98

7. FROM: Luis N. Falcon
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
San Juan, PR 00907

8. TO: DAG

9. CATEGORY: GENERAL

10. SUBJECT:
Letter (rec`d from ODAG) inquiring as to why Puerto Rican political prisoners Alberto Rodriguez and Ricardo Jimenez were transferred from the USP in Lewisburg to other facilities in Texas and Indiana. Also requests that the DAG provide a favorable recommendation on the petition to release the prisoners. (kgt)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
BOP	06/09/98	For component response. Return control sheet with signed and dated copy of response to Executive Secretariat.

Referred To:	Date Assigned:	Information:
ODAG	06/09/98	For information.
OPA	06/09/98	For information.

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
Puerto Rican political prisoners

13. EXECUTIVE SECRETARIAT CONTACT: Kimberly Tolson, 514-8588

COMITE PRO-DERECHOS HUMANOS EN PUERTO RICO
Calle Rodríguez Serra #8
Suite 2 B
San Juan, PR 00907
Tel/Fax (787) 723-9829

June 3, 1998

Hon Eric H. Holder, Jr.
Deputy Attorney General
U.S. Departament of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024

Dear Mr. Holder:

While we were glad to hear that the Department of Justice will soon make its recommendation to the White House on our long-pending application for the release of the Puerto Rican political prisoners in U.S. custody, that was certainly not our reaction to learning that Messrs. Rodríguez and Jiménez were abruptly transferred this week. While we do not want to distract you from the business at hand, we must advocate for their humane treatment while they remain in custody. It is difficult to fathom why these two men would be uprooted and, in Mr. Rodríguez' case, moved to a prison even farther from their loved ones. We attach recent correspondence from their attorney to the warden at USP Lewisburg asking the warden to simply leave them alone. We understand that he never responded to the letter. Could it be that these moves are the vindictive response? Bureau of Prisons officials have refused to offer any legitimate justification for either the fact that they were moved or for the prisons to which they have been designated: USP Beaumont, TX, and USP Terre Haute, IN, respectively.

We believe, particularly in light of our optimism that the White House will soon grant their release, that they should be placed in lower security prisons close to their families and communities, so as to ease their reentry into civil

society. Whether or not that is done, we would like to know the reasons for these latest moves, and we must ask that the Bureau of Prisons permit them to serve in peace and unmolested whatever portion remains of their disproportionately lengthy sentences. Of course the best response we could hope for from you would be a favorable recommendation on the petition for their release.

Sincerely yours,

Dr. Luis Nieves Falcón
Coordinator

cc: Kathleen Hawk, Director
Federal Bureau of Prisons
320 First St., N.W.
Washington, D.C. 20534

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Erica Thompson

Of Counsel
Michael E. Deutsch

March 25, 1998

Page True, Warden
USP Lewisburg
Box 1000
Lewisburg, PA 17837

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024
Edwin Cortés, 92153-024

Dear Warden True,

Several recent developments regarding my clients inspires this letter asking that you and your staff cease harassing them.

Mr. Cortés, as you know, was recently transferred from USP Terre Haute, to which he had requested transfer due to its proximity to his home in Chicago. If the distance from his family were not punishment enough, he was transferred while USP Lewisburg was on lockdown. Additionally, staff have refused to provide him with copies of the transfer documents, asserting variously, and without any legitimate basis, that he "required closer staff supervision" or was "too influential" in the population. Since his arrival, the administration has seemed quite anxious to make him responsible for requests on the part of Spanish speaking prisoners that the institution provide a Spanish speaking television channel, threatening that if anything happened, they would come for him first.

Mr. Rodríguez, as you also know, has spent more than a decade at USP Lewisburg, accumulating a spotless record, not just of clear conduct but of remarkable accomplishments, probably unequaled by any other person. Instead of recognizing these achievements, reducing his security, and transferring him to a lower security prison, as would happen with a social prisoner, the administration sought to punish him in relation to the same television issue, apparently due to something he wrote in outgoing mail, holding him in segregation for a full week.

Mr. Jiménez, who has devoted himself to tutoring and AIDS peer counseling, was called a "notorious inmate" by your assistant Lori Cunningham, according to The Daily Item of January 18, 1998.

Finally, on March 17, in a ridiculous show of force, your staff harassed and threatened Messrs. Cortés, Jiménez and Rodríguez concerning legal mail I had sent them. While staff never bothered to explain to Messrs. Jiménez and Rodriguez why they were being walked to R&D near the segregation unit, staff apparently told Mr. Cortés that the canine patrol indicated my legal mail, and that of another attorney, contained drugs. At the same time my clients were being threatened, Mr. Armond Booth was phoning me, and, without even giving me the courtesy of informing me that he was conducting such an investigation, sought to elicit a statement from me. Let me assure you, sir, that my clients and I engage in no such conduct and do not appreciate having such accusations hurled our way.

You are aware, sir, of the political nature of their imprisonment--Ms. Cunningham apparently published to your local paper a description that they are "political dissident[s] from Puerto Rico's independence movement". You are undoubtedly aware that a pending request asking President Clinton to release them from prison enjoys wide support. Certainly these latest efforts would not be designed to undermine the positive records all three of them have accumulated, so as to attempt to prejudice this effort?

We must insist, Warden Page, first, that you leave them to serve their disproportionately lengthy sentences in peace and without any further harassment; and second, that you promptly reduce their security levels and transfer them to lesser security prisons. May I please hear your response.

Sincerely yours,

Jan Susler
Attorney at Law

cc: Alberto Rodríguez
Ricardo Jiménez
Edwin Cortés

EXHIBIT 51

Orenstein, Jamie

From: Roger Adams
Sent: Monday, August 23, 1999 9:56 AM
To: Orenstein, Jamie
Subject: Thanks -Reply

One point to keep in mind is that while, on a percentage basis, only a small percentage of pardons involve crimes with victims, and fewer involve crime with violence, we get quite a few applications every year in which the crime involves a victim, and some cases involving violence. Any requirement, either in a Constitutional amendment that actually makes it to enactment or a revision of our regulations that requires us to consult -- even perfunctorily -- with victims, will cause a big change in the way we operate.

My preference would be to wait for awhile and see how likely Congress is to actually pass a resolution or whatever is required to begin the process to amend the Constitution before we rush forward and offer to adopt -- actually it has to be an offer to ask the President to adopt -- new regulations that require consultations with victims. Also, the WH may be a litle sensitive about this at the moment. They are taking some criticism for the offer of commutations to the 13 Puerto Rican nationalists, and some of the criticism, at least as reported in the media, involveds the efect of FALN bombings on police officers, innocent persons killed, etc. Although noe of the 13 were actually convicted of a bombing, the group with which most of them are associated -- the FALN -- certainly was responsible for over 100 bombings about 20 years ago. Media hostile to the commutations will inevitably raise the fact that the Department did not consult with victims in the FALN cases, but we are offereing to do so now, prospectively.

EXHIBIT 52

PARDON OF PUERTO RICAN NATIONALISTS:

DAG CALL TO SCOTT LASSAR
UNITED STATES ATTORNEY FOR THE N.D. ILLINOIS

I BACKGROUND:

- The United States Attorney for the N.D. Illinois recommended strongly against commutation of sentence. Also, one of the sentencing judges in the N.D. Illinois was quoted in the print media as opposing clemency.

[redacted]

- Impact of clemency on related matter: Defendant Jose Solis was recently sentenced in this District to 51 months imprisonment for a FALN bombing attempt in 1991.

II TALKING POINTS:

- Twelve of the prisoners granted clemency were convicted in four prosecutions in Chicago on charges that range from seditious conspiracy to weapons offenses. All prisoners acted on behalf of the FALN (Fuerzas Armadas De Liberación Nacional Puertorriqueña, or the "Armed Forces for Puerto Rican National Liberation"). The sentences of the twelve prisoners ranged from 35 to 90 years. Nine of them also faced state sentences imposed upon them for related offenses (to which their federal sentences were to be served consecutively).

- The President is commuting the sentences of 11 of these prisoners to effect their immediate release.

- Specifically, the following FALN defendants, convicted in 1981 for seditious conspiracy and related crimes, will be released immediately: Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, and Carmen Valentin. The following FALN defendants convicted in 1985, of seditious conspiracy and related crimes, will be released immediately: Edwin Cortes, Alberto Rodriguez, and Alejandrina Torres.

- Regarding the 12th prisoner, Oscar López-Rivera, the President is shortening his sentence to effect his release no later than after his service of 29 years. Oscar Lopez-Rivera, was convicted in 1981 for seditious conspiracy and related crimes and in 1988 for escape-related crimes.

- No clemency was granted to Carlos Alberto Torres.

EXHIBIT 53

PARDON OF PUERTO RICAN NATIONALISTS:

DAG CALL TO STEPHEN ROBINSON
UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT

I **BACKGROUND:**

- The United States Attorney strongly opposed clemency in these cases. The sentencing judge also expressed the view that the sentences should stand.

II **TALKING POINTS:**

- Four of the defendants who are receiving some form of clemency were convicted in Connecticut for offenses relating to their involvement in a group known as Los Macheteros ("the Machete Wielders"). They were convicted of crimes relating to an armed robbery of a Wells Fargo office, in which more than $7 million was taken. The sentences of these four persons range from 5 - 35 years imprisonment and include substantial fines. The President is substantially reducing the sentence of defendant Juan Segarra-Palmer and remitting all the fines, to the extent they remain unpaid.

- Specifically, the 55-year sentence of Los Macheteros defendant Juan Enrique Segarra-Palmer, convicted in 1989 for robbery of a Wells Fargo depot and related crimes, will be commuted to 28 ½ years imprisonment, and the present balance of his $500,000 fine will be remitted. He will likely be released after serving approximately 19 years.

- The $100,000 fines of Los Macheteros defendants Roberto Maldonado-Rivera and Antonio Camacho-Negron, and the $50,000 fine of Los Macheteros defendant Norman Ramirez-Talavera, all convicted in 1989 for conspiracy to rob federally insured bank funds and commit related crimes, are being remitted.

EXHIBIT 54

Gary, Roger, Susan, Elisa, Robert, Paul, Faith

Attached is a copy of the draft letter that the FBI has sent to Neil Gallagher for his approval. Apparently, John Collingwood has just looked at the letter and is recommending that Gallagher **NOT** approve the letter – I had mentioned that DOJ maintains that clemency is a matter within the Executive Branch and that Congress may not have access to the advice that DOJ provides the President regarding clemency.

Craig

DRAFT

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

DRAFT

Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I appreciate your letter of August 27, 1999, inquiring as to the FBI's views with regard to President Clinton's recommendations for the commutation of sentences of sixteen members of the Armed Forces of National Liberation (FALN).

The request for commutation of the sentences of these imprisoned Puerto Rican terrorists associated with the FALN was first made in 1994. Since that time, in response to requests for comments, the FBI has consistently advised the Department of Justice (DOJ), in writing, that the FBI was opposed to any such pardon and/or commutation of sentences for any of these individuals. As recently as June 28, 1999, the FBI, in written correspondence, advised DOJ that the FBI continued to oppose the release of these terrorists. Specifically, the FBI pointed out to DOJ that as active members of Puerto Rican terrorist groups, these individuals sanctioned, supported and/or directly or indirectly participated in activities resulting in no fewer than nine fatalities, hundreds of injuries, millions of dollars in property damage, and armed attacks on U.S. Government facilities.

DOJ was also advised the FBI had reason to expect the release of these individuals would "psychologically and operationally enhance" the ongoing violent and criminal activities of Puerto Rican terrorist groups. The FBI also pointed out that any such pardon of the "currently incarcerated terrorists would likely return committed, experienced, sophisticated and hardened terrorists to the clandestine movement."

As the request for pardons had been pending since 1994, the FBI was unaware that any such commutation of sentences was actually being contemplated or imminent. With respect to the condition attached to the commutation of sentences by the President, (i.e., that the terrorists renounce violence as a form of protest) the FBI had previously advised DOJ that "few of the current prisoners have expressed remorse for their crimes or for their victims; rather, most remained committed to violence as a means to achieve Puerto Rican independence."

DRAFT

DRAFT

Honorable Henry J. Hyde

It is evident from the foregoing that the FBI was unequivocally opposed to the release of these terrorists under any circumstances and had so advised DOJ.

If I may be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

Louis J. Freeh
Director

1 - Honorable Janet Reno
The Attorney General
Department of Justice
Washington, D.C.

DRAFT

EXHIBIT 55

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release March 20, 1997

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 924, the "Victim Rights Clarification Act of 1997," to ensure that victims of crime and their families will not be prevented from attending a criminal trial in Federal court simply because they intend to exercise their right to give a statement during a sentencing hearing, once guilt has been decided. I commend the Congress for responding to the initiative led by crime victims and their families, and by a bipartisan group of State attorneys general. As I have said before, when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in. The Act, of course, does not limit the courts' authority and obligation to protect the defendant's right to a fair trial under the due process clause.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 19, 1997.

# # #

EXHIBIT 56

Copr. (C) West 1999 No Claim to Orig. U.S. Govt. Works

4/27/98 WCPD 679
4/27/98 Wkly. Compilation Presidential Documents 679
1998 WL 14393699

Weekly Compilation of Presidential Documents
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Monday, April 27, 1998

Vol. 34, No. 17

Proclamation 7084--National Crime Victims' Rights Week, 1998
William J Clinton

April 20, 1998

By the President of the United States of America

A Proclamation

Every day, thousands of Americans become victims of crime. Many suffer physical injury;, and most experience emotional scars that may never fully heal. And all victims of crime, and their families and friends, often remain troubled by feelings of vulnerability and concerned about their personal safety. '.

Five years ago, my Administration made a commitment to take back our streets from criminals and to combat the crime and violence that affects so many Americans. With the Crime Act, the Brady Act, the Violence Against Women Act, and other tough legislation, we have put into action a comprehensive anticrime strategy that includes community policing, antigang programs, and strong penalties for criminals.

Our strategy, is working. Crime rates across the country are at a 25-year low. Violent crimes and propert crimes have decreased, and the murder rate is down dramatically. While we can take pride in this progress, we cannot afford to become complacent. We must build on the anticrime programs we have put into place if we are to win the war against crime.

As part of our continuing efforts, this year the Department of Justice is awarding more than $135 million in grants under the Violence Against Women program to help State and local authorities reduce domestic violence, stalking, and sexual assault. These funds will enable communities to train more police, hire prosecutors, and provide assistance to the victims of such crimes. Earlier this month, after thorough study, the Secretary of the Treasury concluded that we should ban more than 50 kinds of modified assault weapons because they accept largecapacity military magazines. By keeping

these weapons off our streets and out of the hands of criminals, we will take another crucial step toward halting the scourge of gun violence that has taken such a tragic toll on America's children and families.

During National Crime Victims Rights Week, we call to mind those whose lives have been so abruptly and often violently changed. This annual observance is also a powerful reminder of the extraordinary capacity of our citizens to face adversity and overcome it. Across America, victims of crime have refused to become victims of a criminal justice system that too often ignores or compromises their rights while protecting the rights of criminals.

With courage and determination, crime victims and their dedicated advocates have succeeded in winning constitutional amendments in 29 States that guarantee such fundamental rights as protection from further harm, which includes keeping victims and accused criminals in separate rooms during court proceedings; the right of victims to call upon law enforcement if they feel they are being harassedor intimidated in connection with a pending case; and the right to be notified of a convicted criminal's release from incarceration. And after decades of advocacy, a proposed Federal constitutional amendment for victims now lies before the Congress. We have the opportunity--and the responsibility-to amend the United States Constitution to ensure that the rights of victims are honored in every court throughout our Nation.

This year, our observance of National Crime Victims' Rights Week coincides with the anniversary of the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. That tragedy brought home to an entire Nation the extraordinary suffering and grief that can be rendered by a single, senseless, criminal act. In remembering the many victims of this brutal crime, let us pledge to sustain our efforts to reduce violent crime, to provide comfort and support to its victims as they strive to rebuild their lives, and to keep victims' rights a primary concern in America's criminal justice system.

Now, Therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 19 through April 25, 1998, as National Crime Victims' Rights Week. I urge all Americans to remember crime victims and their families by working to reduce violence, to assist those harmed by crime, and to make our homes and communities safer places in which to live and raise our families.

In Witness Whereof, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[Filed with the Office of the Federal Register 11:13 a.m., April 21, 1998]

NOTE: This proclamation was published in the Federal Register on April 22.

---- INDEX REFERENCES ----

KEY WORDS: HOLIDAYS & SPECIAL OCCASIONS; VICTIMS OF CRIME

Word Count: 758
4/27/98 WCPD 679
END OF DOCUMENT

EXHIBIT 57

10/14/99

LOG OF DOCUMENTS SUBJECT TO EXECUTIVE PRIVILEGE

No.	Control No.	Date	To	From	General Description of Subject Matter
1	CL 14738-52 CL 15924-38 CL 16088-102 CL 15375-89 CL 14901-12 CL 14969-80 CL 15939-50 CL 16328-42 (all of the above w/ various handwritten notations) CL 14981-83 (w/o attachment) CL 15364-74	8/1/99	The President	Sean Maloney, Deputy Staff Secretary; David Goodfriend, Deputy Staff Secretary; Lisel Loy	Presidential decision memorandum regarding clemency matter with attached 7/28/99 memorandum to the President from Charles Ruff, Counsel to the President, regarding same.
2	CL 14753-803	7/8/99	The President	Eric Holder, Deputy Attorney General	Memorandum to the President regarding clemency matter.
3	CL 14809-840	5/26/99	Eric Holder, Deputy Attorney General	Roger Adams, Pardon Attorney	Memorandum regarding issues relevant to clemency matter.
4	CL 14841-42	8/31/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger Adams, Pardon Attorney	Memorandum concerning issues related to clemency matter.
5	CL 14843-48	8/31/98	Eric Holder, Deputy Attorney General	Roger Adams, Pardon Attorney	Memorandum concerning report and issues related to clemency matter.
6	CL 14850-52 CL 14853-55 CL 15057-59 CL 15101-03 (all of the above w/ various handwritten notations) CL 15954-56 CL 15473-75 CL 15501-03	12/18/96	Jack Quinn, Counsel to the President Cc: Jeff Farrow, Co-Chair, Interagency Task Force on Puerto Rico; Suzanna Valdez; Janet Murgia, Deputy Assistant to the President for Legislative Affairs	Dawn Chirwa, Associate Counsel to the President	Memorandum regarding meeting and report related to clemency matter.

7	CL 14856-91 (w/ handwritten cover note to Jack Quinn from Dawn Chirwa re same) CL 15438-72	12/16/96	Jack Quinn, Counsel to the President	Dennis Corrigan, Executive Assistant and Counsel, Office of the Deputy Attorney General	Cover memorandum regarding attached report to the President regarding clemency matter.
8	CL 14913-24 (w/ handwritten notations)	Undated	N/A	N/A	Drafts of petitions and of order for grant of executive clemency.
9	CL 16175	Undated	N/A	N/A	Draft of petition for grant of executive clemency.
10	CL 16176	Undated	N/A	N/A	Draft of petition for grant of executive clemency.
11	CL 14933 CL 14935 CL 14937 CL 14949	Undated	N/A	N/A	Handwritten notations of James Kennedy, Special Advisor to the Counsel, concerning issues relevant to clemency matter.
12	CL 14985-86 (w/ handwritten notations) CL 16154-55 CL 15505-06	9/22/96	Harold Ickes, Deputy Chief of Staff Cc: Marcia Hale	Jeff Farrow, Co-Chair, Interagency Task Force on Puerto Rico; Janet Murgia, Deputy Assistant to the President for Legislative Affairs	Note, with attachment, concerning request for meeting with congressional delegation regarding clemency matter.
13	CL 14989-90	6/1/99	The President	Miguel Lausell, Chairman of the Board, Strategy Group International	Letter to President with handwritten presidential communication to Chief of Staff regarding status of clemency matter.
14	CL 15329-33	6/21/95	N/A	N/A	Handwritten notes of meeting regarding issues related to clemency matter.
15	CL 15889-90 CL 16185 (second page only)	8/31/99	Maria Soto	Jeff Farrow	Electronic communication addressing issues related to clemency matter.
16	CL 15973	8/10/99	Maria Echaveste, Deputy Chief of Staff Cc: Dawn Chirwa, Associate Counsel to the President; Cheryl Mills, Deputy Counsel to the President	Jeff Farrow	Electronic communication addressing issues related to clemency matter.

17	CL 16009-10	Undated	N/A	N/A	Background document addressing issues related to clemency matter.
18	CL 16039	3/7/99	Charles Ruff, Counsel to the President Cc: Jeff Farrow, Co-Chair, Interagency Task Force on Puerto Rico; John Podesta, Chief of Staff; Sara Latham, Special Assistant to the Chief of Staff	Maria Echaveste, Deputy Chief of Staff	Electronic communications regarding clemency matter, with attached electronic communication from Jeff Farrow, Co-Chair, Interagency Task Force on Puerto Rico to Fred DuVal, Deputy Director of Intergovernmental Affairs; Mickey Ibarra, Director of Intergovernmental Affairs; Maria Echaveste, Deputy Chief of Staff; Janet Murgia, Deputy Director of Legislative Affairs; Moe Vela, Chief Financial Officer, Office of Vice President; and Monica Dixon, Deputy Chief of Staff to the Vice President.
19	CL 16045-48A	8/11/99	Barry Toiv, Deputy Press Secretary Cc: Some or all of the following individuals: Jennifer Palmieri, Deputy Press Secretary for Operations; Julia Payne, Assistant Press Secretary; Cheryl Mills, Deputy Counsel to the President; Bruce Lindsey, Deputy Counsel to the President; Maria Echaveste, Deputy Chief of Staff; Mickey Ibarra, Director of Intergovernmental Affairs; Janet Murgia, Deputy Director of Legislative Affairs; Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico	Dawn Chirwa, Associate Counsel to the President	Electronic communications addressing issues related to clemency matter with attached document re same.
20	CL 16066 CL 16067 (contains response)	8/11/99	Dawn Chirwa, Associate Counsel to the President; Cheryl Mills, Deputy Counsel to the President; Bruce Lindsey, Deputy Counsel to the President; Maria Echaveste, Deputy Chief of Staff	Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico	Electronic communication concerning issue related to clemency matter.

21	CL 16103-04 CL 15535-36 (both copies w/ various handwritten notation)	5/30/95	Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico	Mayra Martinez-Fernandez, Special Assistant to the Co-Chair, Interagency Task Force on Puerto Rico	Draft document regarding clemency matter.
22	CL 16214-17A	8/10/99	N/A	N/A	Page of presidential decision memorandum attached to document addressing issues related to clemency matter.
23	CL 16281 CL 16283 (contains additional response)	5/5/99	Sent among some or all of the following individuals: Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico; Dawn Chirwa Associate Counsel to the President; Janet Murgia, Deputy Director of Legislative Affairs; Maria Echaveste, Deputy Chief of Staff; Fred DuVal, Deputy Director of Intergovernmental Affairs; Mickey Ibarra, Director of Intergovernmental Affairs; Charles Ruff, Counsel to the President		Electronic communication addressing issues related to clemency matter.
24	CL 16221-22 CL 16303 (w/o cc: list) CL 15888 (identical in substance; sent to Maria Echaveste from Jeff Farrow) CL 14925 (document identical in substance)	8/23/99	Barry Toiv, Deputy Press Secretary Cc: Megan Maloney; Elizabeth Newman; Dawn Chirwa, Marjorie Tarmey; Katherine Button; Marsha Berry; Julie Mason; Mickey Ibarra; Erica Morris; Cynthia Jasso-Rotunno	Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico	Electronic communication addressing issues related to clemency matter.
25	CL 15334-56	7/25/97	Charles Ruff, Counsel to the President	Margaret Colgate Love, Pardon Attorney	Letter concerning clemency matter with attached documents regarding same. (Two copies; second copy contains telecopier

					cover sheet.)
26	CL 15402-37	12/5/96	Dawn Chirwa, Associate Counsel to the President	Margaret Colgate Love, Pardon Attorney	Cover memorandum with attached draft document to Jack Quinn, Counsel to the President, from Jamie S. Gorelick, Deputy Attorney General, regarding clemency matter.
27	CL 15476-77	5/16/97	Dawn Chirwa, Associate Counsel to the President Cc: Roger Adams, Counsel to the Deputy Attorney General	Margaret Colgate Love, Pardon Attorney	Memorandum addressing issues related to clemency matter.
28	CL 15478-79	4/22/97	Dawn Chirwa, Associate Counsel to the President; Janet Murgia, Deputy Assistant to the President for Legislative Affairs; Maria Echaveste, Director of Public Liaison Cc: Marcia Hale, Director of Intergovernmental Affairs	Jeffrey Farrow, Co-Chair, Interagency Task Force on Puerto Rico	Memorandum addressing issues related to clemency matter.
29	CL 15480-87	7/23/97	Dawn Chirwa, Associate Counsel to the President Cc: Roger Adams, Counsel to the Deputy Attorney General	Margaret Colgate Love, Pardon Attorney	Memorandum addressing issues related to clemency matter.
30	CL 15488-89	5/14/97	Roger Adams, Counsel to the Deputy Attorney General	Dawn Chirwa, Associate Counsel to the President	Memorandum seeking information regarding issues related to clemency matter.
31	CL 14804-08	Undated	N/A	N/A	Document addressing issues related to clemency matter.
32	CL 15532	Undated	N/A	N/A	Draft document (with handwritten notation) addressing issue related to clemency matter.
33	CL 15539-40	10/24/94	N/A	N/A	Handwritten notations relating to clemency matter.
34	CL 15541-45	Undated	N/A	N/A	Document addressing issues related to clemency matter.
35	CL 15550-53	6/21/95	N/A	N/A	Handwritten notations from meeting concerning clemency matter.
36	CL 15668-70	3/27/96	N/A	N/A	Handwritten notations from meeting

					concerning clemency matter.
37	CL 16316	8/11/99	Sean Maloney, Deputy Staff Secretary; David Goodfriend, Deputy Staff Secretary	Dawn Chirwa, Associate Counsel to the President	Cover memorandum concerning order for grant of executive clemency.
38	CL 16317-19	Undated	N/A	N/A	Memorandum addressing issues related to clemency matter.
39	CL 16320-22	8/27/99 8/31/99	Erica Lepping, Special Assistant to the Press Secretary Forwarded to the following individuals: Lisa Ferdinando; Key German; Karen Burchard; David Beir; Marsha Berry; David Vandivier; Melissa Ratcliffe; Denver Peacock; Jenny Angbertsen; Lindsey Huff; Jennifer Palmieri; Barry Toiv; Dag Vega; Ann Edwards; Brenda Anders; Megan Moloney; Natalie Wozniak; Elizabeth Newman; Julia Payne; Mark Neschis; Nanda Chitre; Beverly Barnes; Mark Kitchens; Jason Schechter; Dorinda Salcido; Sarah Gegenheimer; Julie Mason; Mark Bernstein; Nathan Naylor; Patrick Briggs; David Leavy; Margaret Suntum; Elizabeth Olcott; Joshua Gottheimer; Toby Graf; Heather Riley; Richard Siewert; Michael Hammer; Victoria Valentine; Linda Ricci; Mark Sheppard	James Kennedy, Special Advisor to the Counsel to the President	Electronic communication addressing issues related to clemency matter.
40	CL 16323-27		The President	Ruben Berrios Martinez, President, Puerto Rican Independence Party	Letter to the President with coversheet bearing handwritten presidential communication to National Security Advisor regarding status of clemency matter.

EXHIBIT 58

10/18/99 Log

LOG OF DEPARTMENT OF JUSTICE DOCUMENTS
SUBJECT TO PRESIDENT'S ASSERTION OF EXECUTIVE PRIVILEGE

NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
1	EP000001-5	9/1/99	N/A	Elisa Liang, Associate Deputy Attorney General	Handwritten notes of telephone conversation with Susan Kuzma, Attorney, Office of the Pardon Attorney, and Roger C. Adams, Pardon Attorney, regarding history and substance of clemency deliberations.	Office of the Deputy Attorney General
2	EP000006-7 EP000008-9 EP000010-11 EP000012-15 EP000016-17 EP002215 EP002216-17 EP002218-19 EP002220-21 EP002222-23	9/1/99	Myron Marlin, Director, Office of Public Affairs, and Chris Watney, Press Assistant for the Civil Division, Office of Public Affairs	Roger C. Adams, Pardon Attorney	Memorandum containing discussion regarding legal issues relating to clemency offer for Puerto Rican Nationalist prisoners. (multiple copies, some with handwritten notes)	Office of the Deputy Attorney General Office of the Pardon Attorney Office of Public Affairs
3*	EP000018	9/1/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Cathleen Corken, Trial Attorney, Criminal Division	Electronic communication reflecting nature of FBI memorandum regarding Puerto Rican Nationalists.	Office of the Deputy Attorney General

*To be produced to the Committee in redacted form.

10/18/99 Log

NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
3a	EP002330-32 EP002333-35 EP002340-41 EP002336-39 EP002342-46	9/1/99	Brian de Vallance, Director, Nelson E. Peacock, Deputy Director, and Ian P. Alberg, Deputy Director, Office of Inter-governmental Affairs; Nicholas M. Gess, Associate Deputy Attorney General; Wilfredo A. Ferrer, Assistant to the Attorney General; Myron Marlin, Director, Office of Public Affairs; Ricki A. Seidman, Deputy Associate Attorney General; Donna Bucella, Director, Executive Office for U.S. Attorneys; Mary Murguia, U.S. Attorney	Charles Simon, Deputy Director, Office of Intergovernmental Affairs	Collection of electronic communications reflecting substance of memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners. (multiple copies of entire collection and/or subset of communications)	Office of Public Affairs
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

4*	EP000019-28	8/30/99-9/1/99	Elisa Liang, Associate Deputy Attorney General, Gary G. Grindler, Principal Associate Deputy Attorney General, and Kevin Ohlson, Chief of Staff, Office of Deputy Attorney General	Nicholas Gess, Associate Deputy Attorney General	Collection of electronic communications regarding clemency matter containing reference to nature of FBI memorandum concerning Puerto Rican Nationalists, with multiple copies of some communications.	Office of the Deputy Attorney General
5	EP000029	8/27/99	Gary G. Grindler, Principal Associate Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum reflecting content of memorandum to the President regarding clemency for Puerto Rican Nationalists and forwarding same.	Office of the Deputy Attorney General
6	EP000030-31 EP000032-33 EP000034-35 EP000036-37 EP000038-39 EP000039a-39b EP000040-41	8/25/99	Myron Marlin, Director, Office of Public Affairs, and Chris Watney, Press Assistant for the Civil Division, Office of Public Affairs	Roger C. Adams, Pardon Attorney	Memorandum containing discussion regarding legal issues relating to clemency offer for Puerto Rican Nationalist prisoners. (multiple copies, some undated)	Office of the Deputy Attorney General Office of the Pardon Attorney
7	EP000042	8/11/99	Dawn Chirwa, Associate Counsel to the President	Roger C. Adams, Pardon Attorney	Memorandum regarding issues relating to clemency.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

8	EP000045-48a EP000049-61 EP000062-74 EP000075-86 EP000087-103 EP000104-117	8/10/99	Deborah Smolover, Counsel to the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Drafts of renunciation statement and Executive Grant of Clemency. (multiple undated copies)	Office of the Deputy Attorney General
9	EP000118 EP000119 EP000120	8/9/99	N/A	Susan Kuzma, Attorney, Office of the Pardon Attorney	Handwritten notes on meeting involving Dawn Chirwa, Associate Counsel to the President, Deborah Smolover, Counsel to the Deputy Attorney General, Roger C. Adams, Pardon Attorney, and Susan Kuzma, Attorney, Office of the Pardon Attorney, regarding clemency for Puerto Rican Nationalist prisoners. (with multiple copies)	Office of the Pardon Attorney
10	EP000121-123	8/9/99	N/A	Deborah Smolover, Counsel to the Deputy Attorney General	Handwritten notes on meeting involving Dawn Chirwa, Associate Counsel to the President, Deborah Smolover, Counsel to the Deputy Attorney General, Susan Kuzma, Attorney, Office of the Pardon Attorney, and Roger C. Adams, Pardon Attorney, regarding clemency for Puerto Rican Nationalist prisoners.	Office of the Deputy Attorney General
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

11	EP000124	8/9/99	Eric H. Holder, Jr., Deputy Attorney General	Deborah Smolover, Counsel to the Deputy Attorney General	Memorandum regarding issues relating to clemency.	Office of the Deputy Attorney General
12	EP000125 EP000126 EP000127-134	7/28/99	Gary Grindler, Principal Associate Deputy Attorney General, Office of the Deputy Attorney General cc: Susan Kuzma, Attorney, Office of the Pardon Attorney	Elisa Liang, Associate Deputy Attorney General	Electronic communication concerning issues relating to clemency. (multiple copies, one with "from" line omitted, another with 7/28/99 electronic communications between Susan Kuzma, Attorney, Office of the Pardon Attorney, and Elisa Liang, Associate Deputy Attorney General, discussing same, some of which were transmitted to Deborah Smolover, Counsel, Office of Deputy Attorney General, attached)	Office of the Deputy Attorney General Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

13	EP000135-136	7/28/99	Susan Kuzma, Attorney, Office of the Pardon Attorney cc: Deborah Smolover, Counsel, Office of Deputy Attorney General	Elisa Liang, Associate Deputy Attorney General	Electronic communication discussing issues relating to clemency matter.	Office of the Deputy Attorney General
14	EP000137-142 EP000143-145	7/28/99	Elisa Liang, Associate Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Collection of electronic communications between Elisa Liang, Associate Deputy Attorney General, and Susan Kuzma, Attorney, Office of the Pardon Attorney, and/or Gary Grindler, Principal Associate Deputy Attorney General, Office of the Deputy Attorney General, discussing legal issues relevant to clemency matter. (duplicate of one communication)	Office of the Deputy Attorney General Office of the Pardon Attorney
15	EP000146-147	7/28/99	N/A	Elisa Liang, Associate Deputy Attorney General	Handwritten notes of meeting with Gary Grindler, Principal Associate Deputy Attorney General, Office of the Deputy Attorney General, and telephone conversation with Susan Kuzma, Attorney, Office of the Pardon Attorney, addressing issues relevant to clemency matter.	Office of the Deputy Attorney General
16	EP000148	7/28/99	N/A	Elisa Liang, Associate Deputy Attorney General	Handwritten notes of telephone conversation with Susan Kuzma, Attorney, Office of the Pardon Attorney, concerning legal issue relating to clemency matter.	Office of the Deputy Attorney General
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

17	EP000149-152	7/28/99	N/A	Elisa Liang, Associate Deputy Attorney General	Handwritten notes of conversation with Charles F. C. Ruff, Counsel to the President, regarding clemency matter regarding Puerto Rican Nationalist prisoners, with 7/28/99 handwritten notes of conversation with Susan Kuzma, Attorney, Office of the Pardon Attorney, regarding clemency matter concerning Puerto Rican Nationalist prisoners attached.	Office of the Deputy Attorney General
18	EP000153-170 EP000171	7/28/99	Elisa Liang, Associate Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Fax covers (one with handwritten notes) concerning legal issues relating to clemency matter with 7/26/99 fax cover from Susan Kuzma, Attorney, Office of the Pardon Attorney, to Eric H. Holder, Jr., Deputy Attorney General, concerning legal issues relating to clemency matter (with handwritten notes), handwritten notes concerning same, and draft Executive Grant of Clemency attached. (one duplicate of one 7/28/99 fax cover)	Office of the Deputy Attorney General Office of the Pardon Attorney
19	EP000181-181a	7/28/99	Elisa Liang, Associate Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Fax cover regarding legal issues related to clemency matter. (duplicate)	Office of the Deputy Attorney General Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

20	EP000182 EP000183-184	7/28/99	Elisa Liang, Associate Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Fax cover regarding legal issues related to clemency matter. (multiple duplicates, one with handwritten note)	Office of the Deputy Attorney General Office of the Pardon Attorney
21	EP000185-188 EP000189-191	7/27/99	Eric H. Holder, Jr., Deputy Attorney General	Susan Kuzma, Attorney, Office of Pardon Attorney	Electronic communication concerning legal issue relevant to clemency matter. (one duplicate, without notification of receipt and 7/28/99 electronic communications between Susan Kuzma, Attorney, Office of the Pardon Attorney, and Elisa Liang, Associate Deputy Attorney General, discussing legal issues relevant to clemency matter attached)	Office of the Pardon Attorney
22	EP000192-193 EP000194 EP000195-196	7/20/99	Roger C. Adams, Pardon Attorney	Susan Kuzma, Attorney, Office of the Pardon Attorney	Electronic communication concerning telephone conversation with Charles F. C. Ruff, Counsel to the President, regarding Puerto Rican Nationalist prisoner. (multiple copies)	Office of the Pardon Attorney
23	EP000197 EP000198-199	7/9/99	Craig H. Trout, Bureau of Prisons/Federal Bureau of Investigations Intelligence Liaison Coordinator	Mary Bustamante, Special Agent, Federal Bureau of Investigation	Memorandum concerning Puerto Rican Nationalist prisoners. (one duplicate with undated fax cover to Robert De La Cruz, Attorney, Criminal Division, from Craig H. Trout, Bureau of Prisons/Federal Bureau of Investigations Intelligence Liaison Coordinator)	Criminal Division
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

24*	EP000200-207	7/9/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Richard Rossman, Chief of Staff for the Assistant Attorney General of the Criminal Division	Electronic communication concerning memorandum on Puerto Rican Nationalists, with 7/8/99 electronic communication to Richard Rossman, Chief of Staff for the Assistant Attorney General of the Criminal Division (from line omitted) concerning same, 7/8/99 electronic communication concerning same, and memorandum concerning Puerto Rican Nationalists attached.	Office of the Deputy Attorney General
25	EP000208-213	7/8/99	James Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division	Cathleen Corken, Trial Attorney, Criminal Division	Electronic communication regarding memorandum concerning Puerto Rican Nationalists, with memorandum concerning Puerto Rican Nationalists prepared in connection with clemency request attached.	Criminal Division
26	EP000214-215	7/8/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President from Eric H. Holder, Jr., Deputy Attorney General, regarding clemency for Puerto Rican Nationalist prisoners, attaching revised page of draft memorandum.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

27	EP000216-218	7/7/99	Cathleen Corken, Trial Attorney, Criminal Division	Robert De La Cruz, Attorney, Criminal Division	Electronic communication regarding clemency review for Puerto Rican Nationalist prisoners, with electronic communications to Cathleen Corken, Trial Attorney, Criminal Division, from Robert De La Cruz, Attorney, Criminal Division, dated 7/7/99 (regarding clemency for Puerto Rican Nationalist prisoners) and 7/6/99 (regarding draft on clemency for Puerto Rican Nationalist prisoners) attached. Latter electronic communication was cc'd to James Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division.	Criminal Division
28	EP000219-226 EP000227-233	7/6/99	Cathleen Corken, Trial Attorney, Criminal Division	Robert De La Cruz, Attorney, Criminal Division	Memorandum concerning Puerto Rican Nationalists and prisoners prepared in connection with clemency request. (one duplicate)	Criminal Division
29	EP000234-285 EP000286	7/6/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President from Eric H. Holder, Jr., Deputy Attorney General, regarding clemency for Puerto Rican Nationalist prisoners, with draft memorandum and appendices attached. (one duplicate without draft memorandum)	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

30	EP000287-338	7/5/99	Roger C. Adams, Pardon Attorney	Susan Kuzma, Attorney, Office of Pardon Attorney	Cover memorandum concerning draft memorandum to the President from Eric H. Holder, Jr., Deputy Attorney General, regarding clemency for Puerto Rican Nationalist prisoners, with draft memorandum (with handwritten notes) attached.	Office of Pardon Attorney
31	EP000339-344	7/2/99	Cathleen Corken, Trial Attorney, Criminal Division	Robert De La Cruz, Attorney, Criminal Division	Draft memorandum with handwritten note concerning Puerto Rican Nationalists and prisoners prepared in connection with clemency request.	Criminal Division
32	EP000345-346 EP000347-348 EP000349-364 EP02328-2329	6/28/99	James Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division	Robert M. Burnham, Section Chief, Federal Bureau of Investigation	Memorandum concerning clemency for Puerto Rican Nationalist prisoners. (multiple copies, one with list of names (Mr. Gallagher, Mr. Watson, Mr. Burnham, Mr. Blacksmith, Mr. Welch, Mr. Perren, Ms. Lewis, Mr. Gray), and one with 1) 6/6/99 memorandum to Cathleen Corken, Trial Attorney, Criminal Division, from Robert De La Cruz, Attorney, Criminal Division, concerning Puerto Rican Nationalist prisoners, 2) 7/9/99 fax cover to John Perren, Supervisor Special Agent, Federal Bureau of Investigation, from Cathleen Corken, and 3) memorandum concerning Puerto Rican Nationalists prepared in connection with clemency request attached)	Criminal Division Office of the Deputy Attorney General Federal Bureau of Inevestigation
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

33	EP000365-432 EP000433-486 EP000487-539	6/28/99	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Cover memorandum concerning draft memorandum to President from Eric H. Holder, Jr., Deputy Attorney General, regarding clemency for Puerto Rican Nationalist prisoners, attaching two draft memoranda (with handwritten notes), regarding same. (multiple copies with single attached draft memoranda and appendices)	Office of the Pardon Attorney
34	EP000540-543	6/17/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President from Eric H. Holder, Deputy Attorney General, regarding clemency for Puerto Rican Nationalist prisoners and attachment.	Office of the Pardon Attorney
35	EP000544-545 EP000546-546a EP000547-48 EP000549-550	6/11/99	Roger C. Adams, Pardon Attorney	Susan Kuzma, Attorney, Office of Pardon Attorney	Handwritten notes of conversation with Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General, concerning President's discussions on clemency for Puerto Rican Nationalist prisoners. (multiple copies)	Office of Pardon Attorney
36*	EP000551-552	6/11/99	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Fax covers containing reference to nature of FBI memorandum on Puerto Rican Nationalists.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

37	EP000553-584 EP000585-616 EP000617-648 EP000649-680	5/26/99	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum addressing questions relating to clemency for Puerto Rican Nationalist prisoners and appendices. (multiple copies, one undated)	Office of the Deputy Attorney General Office of the Pardon Attorney
38	EP000681	4/29/99	N/A	Roger C. Adams, Pardon Attorney	Notes of conversation with Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General, concerning memorandum on issues relevant to clemency review.	Office of the Pardon Attorney
39	EP000682	4/29/99	N/A	Roger C. Adams, Pardon Attorney	Notes of conversation with Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General, concerning issues relating to clemency review.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

39a	EP0002347-2348	12/11/98	John Perren, Supervisor Special Agent, Federal Bureau of Investigation	Michael S. Youngs, Supervisor Special Agent, San Juan Squad 7, Domestic Security/Terrorism, Federal Bureau of Investigation Approved by: James K. Weber, Marlene M. Hunter	Memorandum concerning clemency review for Puerto Rican Nationalist prisoners.	Federal Bureau of Investigation
40	EP000683-686 EP000687	9/1/98	Files	Roger C. Adams, Pardon Attorney	Memorandum regarding conversation with Dawn Chirwa, Associate Counsel to the President, concerning draft memorandum regarding clemency for Puerto Rican Nationalist prisoners, with 1) undated, unsent electronic communication to Chris Watney, Press Assistant for the Civil Division, Office of Public Affairs, from Roger C. Adams, Pardon Attorney, concerning status and nature of clemency deliberations (with handwritten notes), 2) 10/17/97 electronic communication to Marshall Jarrett, Office of the Deputy Attorney General, from Roger C. Adams, Pardon Attorney (cc: Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General), reflecting status of deliberations concerning clemency for Puerto Rican prisoners, and 3) 12/4/98 electronic communication to Roger C. Adams, Pardon Attorney, and Susan Kuzma, Attorney, Office of the Pardon Attorney, from Chris Watney, Press Assistant for the Civil Division, Office of Public Affairs, reflecting same. (one duplicate without attachments)	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

41	EP000688-734 EP000735-741	8/31/98	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners, with draft memorandum and appendices to President from Eric H. Holder, Jr. Deputy Attorney General, attached. (one duplicate without draft attached)	Office of the Pardon Attorney Office of the Deputy Attorney General
42	EP000742-796 EP000797-798 EP000799-800	8/31/98	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners, with 8/31/98 memorandum to Eric H. Holder, Jr., Deputy Attorney General, from Roger C. Adams, Pardon Attorney, concerning draft memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners, with attached draft memorandum and appendices to President from Eric H. Holder, Jr., Deputy Attorney General, and related papers. (multiple copies without attachments)	Office of the Pardon Attorney Office of the Deputy Attorney General
43	EP000801-803	8/7/98	Janet Reno, Attorney General cc: Kevin Olson, Chief of Staff, Office of the Deputy Attorney General	Wilfredo A. Ferrer, Assistant to the Attorney General	Cover memorandum forwarding summary of history of clemency deliberations relating to Puerto Rican Nationalist prisoners and reflecting substance and status of those deliberations, with undated memorandum to Wilfredo A. Ferrer, Assistant to the Attorney General, from Roger C. Adams, Pardon Attorney, concerning same attached.	Office of the Deputy Attorney General
44	EP000804-805 EP000806-807	8/7/98	Wilfredo A. Ferrer, Assistant to the Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning clemency request of Puerto Rican Nationalist prisoners. (one undated duplicate)	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

45	EP000808	7/21/98	Roger C. Adams, Pardon Attorney	Susan Kuzma, Attorney, Office of the Pardon Attorney	Memorandum reflecting status of deliberations on clemency request for Puerto Rican prisoners.	Office of the Pardon Attorney
46	EP000809-847 EP000848-886	5/19/98	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Cover memorandum reflecting substance of draft memorandum to the President from Eric H. Holder, Jr., Deputy Attorney General, concerning clemency for Puerto Rican Nationalist prisoners, with draft memorandum and appendices attached. (one duplicate)	Office of the Deputy Attorney General Office of the Pardon Attorney
47	EP000887-890	5/7/98	John Bentivoglio, Counsel to the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Cover memorandum on clemency request for Puerto Rican Nationalist prisoners, with 5/7/98 memorandum to Eric H. Holder, Jr., Deputy Attorney General, from Roger C. Adams, Pardon Attorney, on clemency for Puerto Rican Nationalist prisoners and attachment attached.	Office of the Pardon Attorney
48	EP000891-892	12/23/97	Eric H. Holder, Jr., Deputy Attorney General	Susan Kuzma, Attorney, Office of the Pardon Attorney	Handwritten note reflecting Deputy Attorney General's thoughts regarding clemency request of Puerto Rican prisoners.	Office of the Pardon Attorney
49	EP000893-895	11/5/97	Susan Kuzma, Attorney, Office of the Pardon Attorney	Eric H. Holder, Jr., Deputy Attorney General	Electronic communication regarding clemency for Puerto Rican Nationalist prisoners, with 11/6/97 electronic communication response to Eric H. Holder, Jr., Deputy Attorney General, from Susan Kuzma, Attorney, Office of the Pardon Attorney, attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

50	EP000896-903 EP000904-910 EP000911-913	10/27/97	Margaret Love, Pardon Attorney	Robert Blitzer, Chief, Domestic Terrorism/ Counterterrorism Planning Section, National Security Division, Federal Bureau of Investigation	Memorandum regarding Puerto Rican Nationalists prepared in connection with clemency request, attached to 1) 10/3/97 Federal Bureau of Investigation memorandum regarding Puerto Rican Nationalists prepared in connection with clemency request; 2) 6/25/97 Federal Bureau of Investigation memorandum regarding Puerto Rican Nationalists prepared in connection with clemency request; 3) 6/11/99 handwritten notes on clemency matter concerning Puerto Rican Nationalist prisoners; and 4) undated handwritten note regarding clemency matter concerning Puerto Rican Nationalist prisoners. (multiple copies, one with 10/3/97 memorandum, 6/25/97 memorandum, and electronic communication to Richard Rossman, Chief of Staff for the Assistant Attorney General of the Criminal Division, from James Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division, cc'd to Cathleen Corken, Trial Attorney, Criminal Division, forwarding draft memorandum on Puerto Rican Nationalist groups, and another with 10/3/97 memorandum)	Criminal Division Office of the Pardon Attorney
51*	EP000914 EP000916 EP000917	10/17/97	Marshall Jarrett, Office of the Deputy Attorney General cc: Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Counsel to the Deputy Attorney General	Electronic communication reflecting status of deliberations concerning clemency for Puerto Rican Nationalist prisoners, with handwritten notes. (multiple copies without handwritten notes)	Office of the Deputy Attorney General Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

52	EP000918-954	9/16/97	Roger C. Adams, Counsel to the Deputy Attorney General	Margaret Colgate Love, Pardon Attorney	Fax cover and memorandum reflecting status and nature of clemency deliberations concerning Puerto Rican Nationalists, with series of 9/12/97-9/19/97 electronic communications between Margaret Colgate Love and Roger C. Adams concerning same and multiple copies of memorandum with subset of electronic communications attached.	Office of the Pardon Attorney
53	EP000955-963 EP000964-971 EP000972-979 EP000980-988 EP000989-997 EP000998-1006 EP0001007-1015 EP001016-1023	7/23/97	Dawn Chirwa, Associate Counsel to the President cc: Roger C. Adams	Margaret Colgate Love, Pardon Attorney	Memorandum concerning information relating to clemency request for Puerto Rican Nationalist prisoners, with handwritten note attached. (multiple copies with handwritten notations from Office of the Pardon Attorney)	Office of the Deputy Attorney General Office of the Attorney General Office of the Pardon Attorney
54	EP001024-1026 EP001027-1029	7/21/97	Margaret Colgate Love, Pardon Attorney	Susan Kuzma, Attorney, Office of Pardon Attorney	Memorandum concerning information and questions considered in connection with clemency request of Puerto Rican Nationalist prisoners. (one duplicate)	Office of the Pardon Attorney
55	EP001030-1032	6/25/97	N/A	Federal Bureau of Investigation	Memorandum regarding Puerto Rican Nationalists prepared in connection with clemency request.	Office of the Pardon Attorney
56	EP001033-1034	5/23/97	Margaret Colgate Love, Pardon Attorney	Michael A. Stover, General Counsel, U.S. Parole Commission	Letter regarding inquiries relating to clemency for Puerto Rican Nationalist prisoners.	Office of Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

57	EP001035-1037	5/16/97	Michael J. Gaines, Chairman, United States Parole Commission	Margaret Colgate Love, Pardon Attorney	Memorandum concerning information relating to clemency request for Puerto Rican Nationalist prisoners.	Office of Pardon Attorney
58	EP001038-1039 EP0001040-1043 EP0001044-1045 EP0001046-1047 EP0001048-1049 EP0001050-1051 EP0001052-1053 EP0001054-1056 EP000'057-1058 EP001059-1060	5/16/97	Dawn Chirwa, Associate Counsel to the President cc: Roger C. Adams	Margaret Colgate Love, Pardon Attorney	Memorandum concerning information relating to clemency request for Puerto Rican Nationalist prisoners. (multiple copies, one with 5/19/97 fax covers to Roger C. Adams, Counsel to the Deputy Attorney General, from Margaret Colgate Love, Pardon Attorney, and another with handwritten notes and cover memorandum to Brenda McElroy, Secretary (Office Automation), Office of the Pardon Attorney, from Susan Kuzma, Attorney, Office of the Pardon Attorney)	Office of the Deputy Attorney General Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

59	EP001061-1062 EP001063	5/16/97	Louis J. Freeh, Director, Federal Bureau of Investigation	Margaret Colgate Love, Pardon Attorney	Memorandum regarding clemency request for Puerto Rican prisoners and reflecting nature of FBI memorandum regarding Puerto Rican Nationalists, attached to memorandum to Michael J. Gaines, Chairman, United States Parole Commission, from Margaret Colgate Love, Pardon Attorney, regarding clemency request for Puerto Rican prisoners. (one duplicate without attachment)	Office of the Pardon Attorney
60	EP001064-1065 EP0001066-1067 EP0001068-1069 EP0001070-1071 EP0001072-1073 EP0001074-1075 EP0001076-1077 EP0001078-1081	5/14/97	Roger C. Adams, Counsel to the Deputy Attorney General	Dawn Chirwa, Associate Counsel to the President	Memorandum concerning information relating to clemency request for Puerto Rican Nationalist prisoners. (multiple copies, one with handwritten notes and fax cover to Margaret Colgate Love, Pardon Attorney, from Office of the Deputy Attorney General, and 5/14/97 fax cover to Roger C. Adams, Counsel to the Deputy Attorney General, from Dawn Chirwa, Associate Counsel to the President, attached)	Office of the Deputy Attorney General Office of Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

61	EP001082 EP001083	2/6/97	N/A	Roger C. Adams, Counsel to the Deputy Attorney General	Electronic communication (with "to" line omitted) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners with handwritten notes. (one duplicate)	Office of the Pardon Attorney
62	EP001084-1118 EP001119-1153 EP001154-1188 EP001189-1207 EP001208-1242 EP001243-1280	12/16/96	Jack Quinn, Counsel to the President	Dennis M. Corrigan, Executive Assistant and Counsel, Office of the Deputy Attorney General	Cover memorandum concerning report and recommendation to the President concerning clemency for Puerto Rican Nationalist prisoners, with 12/4/96 report and recommendation (and appendices) from Margaret Love, Pardon Attorney, to the President concerning clemency for Puerto Rican Nationalist prisoners attached. (multiple drafts, with one that also has 1) 12/4/96 memorandum to Jamie S. Gorelick, Deputy Attorney General, from Margaret Colgate Love, Pardon Attorney, concerning draft report and recommendation concerning clemency for Puerto Rican Nationalist prisoners, and 2) memorandum to Jack Quinn, Counsel to the President, from Jamie S. Gorelick, Deputy Attorney General, concerning clemency for Puerto Rican Nationalist prisoners)	Office of the Deputy Attorney General Office of Attorney General
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
63	EP001281	10/10/96	Jack Quinn, Counsel to the President through Dawn Chirwa, Associate Counsel to the President cc: Flo McAfee, Associate Director, Office of Public Liaison, Janet Murquia, Deputy Assistant to the President and Deputy Director of Legislative Affairs, Marcia Hale, Director, Office of Intergovernmental Affairs, and Suzanna Valdez, Associate Director, Office of Public Liaison	Jeffrey Farrow, Co-Chair, Interagency Working Group on Puerto Rico	Internal White House memorandum concerning meeting regarding clemency for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney

*To be produced to the Committee in redacted form.

64	EP001282-1283	9/22/96	Harold Ickes, Assistant to the President and Deputy Chief of Staff cc: Marcia Hale, Director, Office of Intergovernmental Affairs	Jeffrey Farrow, Co-Chair, Interagency Working Group on Puerto Rico Janet Murquia, Deputy Assistant to the President and Deputy Director of Legislative Affairs	Internal White House memorandum concerning meeting regarding clemency for Puerto Rican Nationalist prisoners, with attachment.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

65	EP001284	3/26/96	Jack Quinn, Counsel to the President cc: Dawn Chirwa, Associate Counsel to the President, Marcia Hale, Director, Office of Intergovernmental Affairs, Suzanna Valdez, Associate Director, Office of Public Liaison, and Janet Murquia, Deputy Assistant to the President and Deputy Director of Legislative Affairs	Jeffrey Farrow, Co-Chair, Interagency Working Group on Puerto Rico	Internal White House memorandum concerning meeting regarding clemency for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
66	EP001285-1322 EP001323-1384 EP002376-2399	12/15/94	Margaret Colgate Love, Pardon Attorney	James B. Burns, U.S. Attorney, Northern District of Illinois	Memorandum regarding clemency request of Puerto Rican Nationalist prisoners. (one duplicate with cover memorandum concerning clemency request of Puerto Rican Nationalist prisoner and attachment, and one duplicate of attachment)	U.S. Attorney Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
67	EP001385-1387 EP001388-1390	10/19/94	Margaret Colgate Love, Pardon Attorney	Christopher F. Droney, U.S. Attorney, District of Connecticut	Memorandum regarding clemency request for Puerto Rican Nationalist prisoners. (one duplicate)	U.S. Attorney Office of the Pardon Attorney

*To be produced to the Committee in redacted form.

68	EP001391-1392	8/26/94	Christopher F. Droney, U.S. Attorney, District of Connecticut	Margaret Colgate Love, Pardon Attorney	Memorandum regarding clemency request for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
69	EP001393-1394	8/26/94	James B. Burns, U.S. Attorney, Northern District of Illinois	Margaret Colgate Love, Pardon Attorney	Memorandum regarding clemency request for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
70	EP001395	Undated	N/A	Eric H. Holder, Jr., Deputy Attorney General	Undated handwritten notes regarding clemency for Puerto Rican Nationalist prisoners.	Office of the Deputy Attorney General
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

71	EP001396-1399 EP0001400-1402 EP0001403-1406	Undated	N/A	Roger C. Adams, Pardon Attorney	Memorandum with handwritten notes regarding issues relating to clemency for Puerto Rican Nationalist prisoners, with first page of draft memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners attached. (multiple copies, one without attachment)	Office of the Deputy Attorney General Office of the Pardon Attorney
72	EP001407-1410	Undated	N/A	Eric H. Holder, Jr., Deputy Attorney General	Handwritten notes regarding issues pertinent to clemency for Puerto Rican Nationalist prisoners.	Office of the Deputy Attorney General
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

73	EP001411-1456 EP0001457-1519 EP0001520-1570 EP0001571-1603 EP0001604-1643 EP0001644-1694 EP0001695-1704 EP0001705-1765 EP0002045-2098 EP0002101-2146 EP0002147-2198 EP0002099, 2100 EP0002238-2327	Undated	The President	Eric H. Holder, Jr., Deputy Attorney General	Drafts of memorandum and appendices to the President regarding clemency for Puerto Rican Nationalist prisoners, with attached draft Executive Grant of Clemency. (multiple copies without draft Executive Grant of Clemency, some with handwritten notes, one partial draft, one with cover attachment regarding clemency review, one without appendices, and one with handwritten note to Roger C. Adams, Pardon Attorney, from Susan Kuzma, Attorney, Office of the Pardon Attorney, and collection of draft pages)	Office of the Deputy Attorney General Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

74	EP001766-1774 EP0001775-1776 EP0001777-1786 EP0001787-1797	Undated	N/A	N/A	Draft Executive Grant of Clemency for Puerto Rican Nationalist prisoners, with handwritten notes. (multiple copies, one with attached fax covers to Dawn Chirwa, Associate Counsel to the President, from Roger C. Adams, Pardon Attorney)	Office of the Deputy Attorney General Office of the Pardon Attorney
75	EP001798-1804 EP001805-1809 EP0002224-2229 EP0002230-2235	Undated	N/A	N/A	Memorandum concerning Puerto Rican Nationalists prepared in connection with clemency review, with 7/8/99 fax sheets to Craig H. Trout, Bureau of Prisons/Federal Bureau of Investigations Intelligence Liaison Coordinator, and John Perren, Supervisor Special Agent, from Robert De La Cruz, Attorney, Criminal Division, attached. (one duplicate without fax cover, one with fax cover, and one with 7/9/99 fax cover to John Perren from Cathleen Corken, Trial Attorney, Criminal Division)	Criminal Division Office of the Attorney General Federal Bureau of Investigation
76	EP001810-1817	Undated	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Richard Rossman, Chief of Staff for Assistant Attorney General of Criminal Division	Electronic communication concerning memorandum on Puerto Rican Nationalists, with 1) 7/8/99 electronic communication to Richard Rossman, Chief of Staff for Assistant Attorney General of Criminal Division, from James S. Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division, concerning same, and 2) 7/8/99 electronic communication to James S. Reynolds, Chief of Terrorism and Violent Crimes Section, Criminal Division, from Cathleen Corken Trial Attorney, Criminal Division, regarding same, with memorandum concerning Puerto Rican Nationalists prepared in connection with clemency request attached.	Criminal Division
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

77	EP001818-1819	Undated	Susan Kuzma, Attorney, Office of Pardon Attorney	Roger C. Adams, Pardon Attorney	Memorandum concerning revisions to draft memorandum to the President regarding clemency for Puerto Rican Nationalist prisoners, with draft language relating to clemency review issue attached.	Office of the Pardon Attorney
78	EP001820-1826	Undated	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum concerning draft memorandum to the President on clemency for Puerto Rican Nationalist prisoners and issues related to same.	Office of the Pardon Attorney
79	EP001827-1829 EP002199-2202 EP002203-2206	Undated	N/A	N/A	Memorandum concerning history and substance of clemency deliberations relating to Puerto Rican Nationalist prisoners. (mulitple drafts with handwritten notes)	Office of the Pardon Attorney
80	EP001830-1831	Undated	Susan Kuzma, Attorney, Office of the Pardon Attorney Roger C. Adams, Pardon Attorney	Roger C. Adams, Pardon Attorney Susan Kuzma, Attorney, Office of the Pardon Attorney	Two handwritten notes (with 6/11 notation) concerning legal issues relating to clemency matter, one to Susan Kuzma, Attorney, Office of Pardon Attorney, from Roger C. Adams, Pardon Attorney, the other to Roger C. Adams, Pardon Attorney, from Susan Kuzma, Attorney, Office of Pardon Attorney.	Office of the Pardon Attorney
81	EP001832 EP001833	Undated	N/A	N/A	Draft language concerning insert for draft memorandum to President concerning clemency for Puerto Rican Nationalist prisoners. (one duplicate)	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

82	EP001834 EP001835	Undated	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Pardon Attorney	Draft memorandum concerning clemency review issues and draft memorandum to President and appendices regarding clemency for Puerto Rican Nationalist prisoners, and discussing substance of 12/4/96 recommendation to the President. (one duplicate)	Office of the Pardon Attorney
83	EP001836	Undated	Roger C. Adams, Pardon Attorney	Susan Kuzma, Attorney, Office of Pardon Attorney	Memorandum (with 8/28 notation) concerning meeting and issues relevant to clemency for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
84	EP001837	Undated	N/A	Susan Kuzma, Attorney, Office of Pardon Attorney	Handwritten notes (with 6/11 notation) concerning clemency for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
85	EP001838-1842	Undated	Kathleen M. Hawk, Director, Bureau of Prisons	Margaret Colgate Love, Pardon Attorney	Draft memorandum reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners, with four draft versions attached, three with handwritten notes.	Office of the Pardon Attorney
86	EP001843-1845	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

87	EP001846-1848	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with duplicate and envelope attached.	Office of the Pardon Attorney
88	EP001849-1851	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
89	EP001852-1854	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
90	EP001855-1857	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

91	EP001858-1860	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
92	EP001861-1863	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
93	EP001864-1866	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
94	EP001867-1869	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
95	EP001870-1872	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

96	EP001873-1875	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (with handwritten notes) and envelope attached.	Office of the Pardon Attorney
97	EP001876-1878	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
98	EP001879-1881	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
99	EP001882-1884	Undated	Warden, Federal Correctional Institution	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE

*To be produced to the Committee in redacted form.

100	EP001885-1887	Undated	Warden, United States Penitentiary	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoner, with draft (without handwritten notes) and envelope attached.	Office of the Pardon Attorney
101	EP001888-1896	Undated	Jan Susler, Attorney	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners, with three draft versions, two with handwritten notes, and envelope attached.	Office of the Pardon Attorney
102	EP001897-1904	Undated	Christopher Droney, U.S. Attorney, District of Connecticut	Margaret Colgate Love, Pardon Attorney	Draft memorandum (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners and three drafts (two with handwritten notes), with 10/19/94 letter to Margaret Colgate Love, Pardon Attorney, from Christopher Droney, U.S. Attorney, District of Connecticut (with handwritten notes), regarding clemency request of Puerto Rican Nationalist prisoners, and address label attached.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
103	EP001905-EP001907	Undated	Tom Delay, Congressman	Margaret Colgate Love, Pardon Attorney	Draft letter (with handwritten notes) reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners, with two drafts (one with handwritten notes) attached.	Office of the Pardon Attorney

*To be produced to the Committee in redacted form.

104	EP001908-1951	Undated	James B. Burns, U.S. Attorney, Northern District of Illinois	Margaret Colgate Love, Pardon Attorney	Draft memorandum reflecting substance of 12/4/96 recommendation to the President on clemency for Puerto Rican Nationalist prisoners (with handwritten notes) and three drafts (two with handwritten notes), with 12/15/94 memorandum to Margaret Colgate Love, Pardon Attorney, from James B. Burns, U.S. Attorney, Northern District of Illinois, regarding clemency matter of Puerto Rican Nationalist prisoners, and address label attached.	Office of the Pardon Attorney
105	EP001952-1955 EP001956-1959 EP001960-1962	Undated	N/A	Office of the Pardon Attorney	Draft memorandum reflecting attorney work product generated as part of clemency review. (multiple copies, some with handwriting)	Office of the Pardon Attorney
106	EP001963-1965	Undated	Eric H. Holder, Jr., Deputy Attorney General	Roger C. Adams, Acting Pardon Attorney	Memorandum reflecting attorney work product generated as part of clemency review with attachment (with handwritten notes).	Office of the Pardon Attorney
107	EP001966-1967	Undated	Margaret Colgate Love, Pardon Attorney	Susan Kuzma, Attorney, Office of the Pardon Attorney	Handwritten note concerning content of report and recommendation to President regarding clemency for Puerto Rican Nationalist prisoners.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
108	EP001968	Undated	N/A	Roger C. Adams, Pardon Attorney	Notes of converation with Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General, reflecting nature of FBI memorandum regarding Puerto Rican Nationalists.	Office of the Pardon Attorney
109	EP001969	Undated	N/A	N/A	Draft renunciation statement.	Office of the Pardon Attorney

*To be produced to the Committee in redacted form.

110	EP001970-1974	Undated	N/A	Roger C. Adams, Pardon Attorney	Typed notes reflecting attorney work product generated as part of clemency review for Puerto Rican prisoners, with handwritten notes.	Office of the Pardon Attorney
111	EP001975-1990	Undated	N/A	Susan Kuzma, Attorney, Office of the Pardon Attorney	Handwritten notes reflecting attorney work product generated as part of clemency review for Puerto Rican prisoners.	Office of the Pardon Attorney
112	EP001991 EP001992	Undated	Susan Kuzma, Attorney, Office of the Pardon Attorney	Roger C. Adams, Pardon Attorney	Handwritten note regarding content of memorandum to President regarding clemency for Puerto Rican Nationalist prisoners. (one duplicate)	Office of the Pardon Attorney
113	EP001993-1994a	Undated	N/A	Roger C. Adams, Pardon Attorney	Handwritten notes regarding memorandum to President concerning clemency for Puerto Rican prisoners.	Office of the Pardon Attorney
114	EP001995-1996	Undated	Marshall Jarrett, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Memorandum (with 9/18 notation) regarding status and nature of memorandum to President concerning clemency for Puerto Rican prisoners. (one duplicate)	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
115	EP001997-2007	Undated	President	Charles F.C. Ruff, Counsel to the President	Draft memorandum (with 7/9 notation) regarding clemency for Puerto Rican Nationalist prisoners. (with handwritten notes)	Office of the Attorney General
116	EP002008-2010 EP002011-2013	Undated	N/A	N/A	Handwritten notes regarding Puerto Rican Nationalists and prisoners, with report concerning Puerto Rican Nationalists prisoners (with handwritten notes), and handwritten note from Cathleen Corken, Trial Attorney, Criminal Division, regarding same. (with duplicate)	Criminal Division

*To be produced to the Committee in redacted form.

117	EP002014-2029 EP002030 EP002031 EP002032 EP002033-2034 EP002035-2036 EP002037-2038 EP002237	Undated	N/A	N/A	Appendices A-E of memorandum to the President (with handwritten notations) regarding clemency for Puerto Rican Nationalist prisoners. (Multiple copies of Appendix A, some with handwritten notes and/or attachment)	Office of the Deputy Attorney General Office of the Pardon Attorney
118	EP002039	Undated	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Eric H. Holder, Jr., Deputy Attorney General	Handwritten notes concerning thoughts on clemency matter.	Office of the Deputy Attorney General
119	EP002040-2043	Undated	N/A	Roger C. Adams, Pardon Attorney	Handwritten notes regarding clemency and legal issues relating to same.	Office of the Pardon Attorney
NO.	DOCUMENT NUMBER	DATE	TO PERSON	FROM PERSON	GENERAL SUBJECT MATTER	SOURCE
120	EP002044	Undated	N/A	Roger C. Adams, Pardon Attorney	Draft of section of memorandum regarding matters relating to clemency for Puerto Rican Nationalists, with handwritten notes from Susan Kuzma, Attorney, Office of the Pardon Attorney.	Office of the Pardon Attorney
121	EP002374-2375	Undated	Kevin Ohlson, Chief of Staff, Office of the Deputy Attorney General	Roger C. Adams, Pardon Attorney	Draft memorandum concerning draft memorandum to the President from Eric H. Holder, Jr., Deputy Attorney General, with handwritten notes.	Office of the Pardon Attorney

*To be produced to the Committee in redacted form.

122	EP002351-2373	Undated	N/A	Office of the Pardon Attorney	Collection of draft memoranda reflecting attorney work product generated as part of clemency review.	Office of the Pardon Attorney
123	EP002349-2350	Undated	N/A	Office of the Pardon Attorney	Draft memorandum reflecting attorney work product generated as part of clemency review.	Office of the Pardon Attorney
124	EP002207-2214	Undated	Robert De La Cruz, Attorney, Criminal Division	Craig H. Trout, Bureau of Prisons/Federal Bureau of Investigations Intelligence Liaison Coordinator	Fax cover concerning Puerto Rican Nationalists, with report concerning Puerto Rican Nationalists prisoners, parts of memoranda concerning Puerto Rican Nationalists, and memorandum concerning Puerto Rican Nationalists prepared in connection with clemency request (with handwritten notes) attached.	Federal Bureau of Investigation

*To be produced to the Committee in redacted form.

EXHIBIT 59

MEMORANDUM

TO: JEFFREY FARROW
FROM: MAYRA MARTINEZ-FERNANDEZ
DATE: OCTOBER 24, 1994
RE: THE PUERTO RICAN POLITICAL PRISONERS

Background Information
There are 15 Puerto Rican political prisoners currently serving extraordinarily lengthy sentences in federal prisons. Most of them have already served more than ten and thirteen years in prison. These individuals have not killed anybody. They have been persecuted because of their commitment and activism in support of Puerto Rican independence.

Most of them were convicted of seditious conspiracy. They did not defend themselves alluding to their international right to declare themselves anti-colonial freedom fighters (prisoners of war - in accordance with General Assembly Resolution 2621, XXV, 12 October 1970, of which U.S. is a signatory). Therefore, they face sentences that range from 55 years to life in prison. These sentences and the time already served are far longer than the average time served in the U.S. for the most heinous offenses against society, and far longer than the average time served by political prisoners in other countries!

The call for their release enjoys wide support in the U.S., Puerto Rico, and internationally. As you know, when it comes to politics, Puerto Ricans don't agree on many things. However, most Puerto Ricans agree that their sentences should be commuted by President Clinton. Governor Rosello has stated his belief that the prisoners have already served a reasonable time in prison. Rafael Hernandez Colon, Rep. Velazquez, Rep. Gutierrez, among many others, have publicly expressed their support for the prisoners release.

Many civic and religious organizations have also joined in the call for their release, including the Puerto Rican Bar Association, the National Conference of Black Lawyers, the United Church of Christ, and the National Lawyers Guild; as well as many municipal governments throughout Puerto Rico (both PPD and PNP), the City Council of the City of New York (they approved a resolution), and David Dinkins.

A petition for the release of the prisoners was already presented to the U.S. Pardon Attorney Margaret Colgate Love on November 9, 1994. She has not replied. The three Puerto Rican Congresspersons sent a letter to Janet Reno requesting a meeting to discuss this issue. She has not replied.

The release of these Puerto Rican men and women would be welcomed as a show of good faith and a gesture to demonstrate that reconciliation, peace-making and human rights (as well as the resolution of the situation in Puerto Rico) are among Clinton's priorities. This could be a tangible accomplishment of the Working Group that not only enjoys wide support in the U.S., Puerto Rico, and internationally, but that is fairly easy to accomplish and will have a positive impact among strategic Puerto Rican communities in the U.S. (read, voters).

As you know, on Saturday, October 22, I attended Boricua First as an observer. In attendance were about 450 Puerto Rican political, civic, grassroots, business and religious leaders from all over the U.S., including the three Puerto Rican Congresspersons and other prominent Puerto Rican elected officials such as the NY State Senator, Efrain Gonzalez, Chairman of the National Association of Hispanic State Elected Officials. There, "populares, estadistas e independentistas" presented and approved only one resolution. The resolution reads, in part:

"Be it therefore resolved that in this spirit of reconciliation throughout the world, Boricua First name a delegation, to include the three Puerto Rican U.S. Congressional Representatives, to meet with the Attorney General and the President of the United States to ask that the President use the powers of his office, and, following the 1979 precedent of then President Jimmy Carter, grant immediate and unconditional release to these fifteen Puerto Rican women and men in prison for their pro-independence activities."

<u>On a Personal Note</u>
The release of these 15 Puerto Ricans is of special significance to me. I know most of these people's families. I know of their hard work and contributions to Chicago's Puerto Rican community. They are truly good people who are where they are for wanting their country to be free. That is not a crime. The history of the birth of this country clearly demonstrates the burning desire of a people to be free from colonial control. As a Puerto Rican, I feel I own them for their sacrifice. As people who love and value democracy and liberty, I feel that this Administration should take a stand for what they believe in, and set an example for other countries to follow by setting free 15 of their own political prisoners.

<u>Recommendations</u>
The Inter-Agency Working Group on Puerto Rico should send a memo to President Clinton providing him with some background information on this issue and the following recommendations:
1. To instruct his scheduler to immediately grant a meeting to the three Puerto Rican Congresspersons, when requested.
2. To instruct his staff to start looking into the process of commuting sentences.

EXHIBIT 60

MEMORANDUM

TO: JEFF FARROW
FROM: MAYRA MARTINEZ-FERNANDEZ
DATE: JUNE 7, 1995
SUBJECT: PUERTO RICAN PRISONERS

There have been some recent developments around the issue of the Puerto Rican prisoners that I think you should be aware of.

1. Gerry Adams, of the Ireland Republican Army (IRA), met with Alderman Billy Ocasio, of Chicago, about 2 weeks ago. He made a commitment to bring up the issue of the Puerto Rican political prisoners in the negotiations which involve the White House and the Government of Great Britain concerning peace in Northern Ireland.

2. Cardinal O'Connor, of New York, will meet with Boricua First representatives [including Manny Mirabal] on July 12 to discuss the issue of the prisoners, and request his support and intervention. O'Connor, as you know, is the official host of the Pope's 1996 U.S. visit.

3. Manny Mirabal in his speech last night at the Boricua First's pre-Legislative Day dinner [attended by close to 200 people] said that the excarcelation of the Puerto Rican political prisoners continues to be one of the most important issues Boricua First is addressing and will continue to address.

4. Gary Marx, a Putlizer prize winner, is working on an investigative piece on the issue of the Puerto Rican political prisoners that will appear in the Chicago Tribune [Chicago's main newspaper] soon.

5. David Gonzalez, of the New York Times, is also working on a story about the Puerto Rican prisoners.

6. Patricia Guadalupe did a 15-minute piece on Pacifica Radio [aired nationally in National Public Radio] supporting the excarcelation of the prisoners.

7. The board of directors of the Baptist Peace Fellowship of North America voted in favor of a statement drafted by the Baptist Peace Fellowship regional group in Puerto Rico and the Caribbean Project for Peace calling for amnesty for the Puerto Rican political prisoners. As you know, President Clinton and Vice President Gore are members of the Baptist Church.

CARLOS A. ROMERO-BARCELÓ
PUERTO RICO

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EXHIBIT 61

Congress of the United States
House of Representatives
Washington, DC 20515–5401

COMMITTEES:
EDUCATION AND THE WORKFORCE
SUBCOMMITTEES:
EMPLOYER-EMPLOYEE RELATIONS
EARLY CHILDHOOD, YOUTH AND FAMILIES

RESOURCES
SUBCOMMITTEES:
FISHERIES CONSERVATION, WILDLIFE AND OCEANS
NATIONAL PARKS AND PUBLIC LANDS
RANKING MEMBER

September 14, 1999

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

Dear ~~Chairman Burton~~ Dan:

On behalf of the 3.8 million U.S. citizens in Puerto Rico, I would appreciate the opportunity to present testimony at the hearing you scheduled for tomorrow, September 15, to discuss President Clinton's clemency offer. As the sole elected representative in the Congress from Puerto Rico, I believe that it is exceedingly important to present the views of Puerto Rican-Americans and underscore with the Committee, the Congress and the members of the public our commitment to our nation's democratic values. I am concerned that a one sided presentation could lead some to conclude that the actions of the terrorists are in fact supported by the vast majority of Puerto Ricans. Nothing could be further from the truth.

I want to make it perfectly clear that this group of terrorists neither represent nor speak for the vast majority of the 3.8 million American citizens of Puerto Rico, who are patriotic, law-abiding citizens of the United States. We abhor violence. I find offensive any effort that attempts to categorize and judge all Puerto Rican-Americans by the actions of these extremists whose goal was to isolate and discredit their fellow Puerto Ricans before the eyes of their fellow citizens. Virtually every Puerto Rican-American repudiated their actions then, as they repudiate them now. In fact, independence as a status option has been rejected by at least 95% of all Puerto Rican voters at each election during the past fifty years, and by over 97% of the electorate in the status referendum held in December 1998.

The real freedom fighters are the 197,000 Puerto Rican-Americans who served the nation in times of war during this century. The real freedom fighters are the nearly 150,000 Puerto Rican-Americans who have served, and who continue to serve, the nation in times of peace.

The horror of the actions of these terrorists has been brought once more to the national attention by President Bill Clinton's offer of conditional release to 16 of the terrorists who have served terms averaging over 15 years. The offer of clemency was contingent on specific conditions that require their repudiation of violence, intimidation and the use of violence to impose their political ideals. In a democracy of peace loving citizens, nothing less than this can be accepted.

After initially rejecting President Clinton's humane offer, referring to it as humiliating, 12 of them accepted the President's clemency. They now have renounced violence, expressed regret for their actions and pledged to uphold democratic principles; in short they met the conditions that seek to gradually

incorporate them as productive members of civil society.

I did not oppose the conditioned release of these criminals, but I did oppose their unconditional release. I opposed it because the unconditional release of these terrorists would have sent out a negative message throughout the world - that our democracy accepts violence, intimidation and terrorism to achieve political goals. We don't. I also opposed the unconditional release of the terrorists because it would have insulted their victims, the victim's families and all of us in Puerto Rico.

During their incarceration, the terrorists aimed to legitimize their actions by seeking protection as political prisoners or prisoners of conscience through Amnesty International, the leading human rights organization in the world. According to an editorial in *The San Juan Star*, the principal English language newspaper in Puerto Rico, Amnesty International rejected their request, clarifying that because "the crimes the 15 were convicted of were violent in nature...disqualified them as political prisoners in describing their status."

There is one other significant issue that I would like to bring to your attention. Since all of them were imprisoned by 1983, there have been no other acts of terrorism linked to the F.A.L.N. or to the Macheteros. Is this a mere coincidence?

One of the fundamental requirements for the parole of criminals in our legal system is the public acknowledgment of responsibility and contrition. Can we as a society sanction and enable the unconditional release of criminals with an avowed commitment to continued violence?

I would like to share with you a copy of an editorial comment I authored for publication in *The San Juan Star*. In addition, I also enclosed a copy of my letter to Attorney General Janet Reno dated April 21, 1999.

I look forward to hearing from you.

Sincerely,

Carlos

Carlos Romero-Barceló

EXHIBIT 62

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Vicki J. Divoll (DIVOLL_V) (WHO)

CREATION DATE/TIME: 5-JUN-1995 12:45:04.10

SUBJECT:Pueto Rican Prisoners

TO:Cheryl D. Mills (MILLS_C) (WHO)
READ: 5-JUN-1995 12:45:55.30

TEXT:
Cheryl, I received a call today from Maria Martinez. She says that Vicki Radd was planning on meeting with her tomorrow at 2 pm regarding the possible release of several Puerto Rican prisoners. She says that Suzannah Valdez from WH Public Liaison, Jeff Fallow(sp?) from WH Intergovernmental Affairs, Jon Trasvina from Justice, and Vicki Radd were all going to meet to discuss these federal prisoners.
Apparently Vicki Radd can't meet at 2pm tomorrow so she referred Ms. Martinez to me. I told her that I can't meet tomorrow. She is probably going to call you now, because I told her you are the Associate Counsel who handles executive clemency matters.
I have a call in to Vicki R to find out more about this. Tell me what you want me to do.
(1) me meet with them later this week.
(2) you meet with them tomorrow at 2pm or at another time.
(3) me find out why anyone is meeting with them at all and why you haven't heard about this before.
Please respond. Thanks Vicki D.

EXHIBIT 63

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Vicki J. Divoll (DIVOLL_V) (WHO)

CREATION DATE/TIME: 5-JUN-1995 14:43:40.05

SUBJECT:Puerto Rican Prisoners

TO:Cheryl D. Mills (MILLS_C) (WHO)
READ: 5-JUN-1995 16:29:58.34

TEXT:
Cheryl,
I know a little more. The Interagency Working Group on Puerto Rico is chaired by Marcia Hale and Jeff Farrow. It has about 50 members and Vicki Radd is a member because of judicial appointments in Puerto Rico. It is a governmental group with members from many agencies. Several of them want to meet with you and/or me to discuss the Puerto Rican prisoners. (I can find out about them from Margy Love.)
Vicki R. says she has been trying to get them to speak to you and me rather than her about pardons for awhile (huh?)
Ms. Martinez is going to fax me some materials. I told her that we couldn't meet with her tomorrow, but that I would call her on Wednesday to discuss a possible meeting in the near future.
On Wednesday, I will callalso Suzannah Valdez in WH Public Liaison, who is supposed to be one of the people with whom we are to meet, to find out more info.
I'll talk to you further about this on Wednesday when I have learned a little more.
Any questions or concerns that you want me to address?
Vicki D.

EXHIBIT 64

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR:Vicki J. Divoll (DIVOLL_V) (WHO)

CREATION DATE/TIME: 7-JUN-1995 10:07:57.72

SUBJECT:Puerto Rican Prisoners

TO:Cheryl D. Mills (MILLS_C) (WHO)
READ: 7-JUN-1995 10:33:07.00

TEXT:
Cheryl, I'll see you at 11:00am. The people involved in this potential meeting are not outsiders seeking to influence the White House regarding these prisoners. They are all White House, DOJ, and Commerce Dept. officials who are members of the Inter-Agency Working Group on Puerto Rico who want to discuss how to respond to expected pressures and requests for meetings with the President and others about these prisoners.
Vicki D.

EXHIBIT 65

THE WHITE HOUSE
WASHINGTON

October 14, 1999

VIA FACSIMILE AND U.S. MAIL

Kristi L. Remington
Senior Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Ms. Remington:

I am writing in response to your October 12, 1999 letter inquiring about documents CL 15550-62.

The author of these handwritten notations is Mayra Martinez-Fernandez, Special Assistant to the Co-Chair, Interagency Task Force on Puerto Rico. Pages CL 15550-52 comprise the first three pages of a four page document reflecting a meeting regarding the clemency matter. The fourth page, CL 15553, appears on the privilege log. We intended to include all four pages on the privilege log and withhold them as being subject to the President's assertion of executive privilege. Due to an inadvertent typographical error, however, pages CL 15550-52 were omitted from the log and instead were produced to the Committee. In the spirit of accommodation, we will provide you with CL 15553, which is enclosed.

Although the document was produced to the Committee in error, we believe that the document, and related matters and testimony, continue to be subject to the President's assertion of executive privilege.

We have revised the privilege log accordingly to reflect this correction. A copy is enclosed.

If you have any questions, please call me at 202-456-5814.

Sincerely,

Dimitri J. Nionakis
Associate Counsel to the President

Enclosure

EXHIBIT 66

6/21/95

MEETING AT THE WH RE:
PUERTO RICAN PRISONERS

- Hearing more + more about it
- 3 PR Congressmen asked to meet with Pres. + Reno. Haven't received response.
- NY TIMES, WASHINGTON POST ADS
- Hundreds of letters, Thousands coming
- Use elections next year as leverage, using NATIONALISTS case as precedent,
- Also hearing from PR, but it's effort led by PR in US.
- How should we respond to this political request.
- Issue, per Pardon Attorney, about who's doing the asking -- prisoners vs. other people.
- At this point the issue is how to respond to letters and who should meet with who.

- No letter responding to request of pardon or commutation has been signed by Pres.
- 2 commutations so far in this adm. NOT usual.
- NOT ordinary cases.
- A year ago decided to use as formal application what sent by Nieves Falcón + Susler
- ① Get official report from prison on each prisoner
  ② Progress Reports on Prisoners
  ③ Study it, analyze it.
  ④ Present recommendation + report to Pres. STAFF. (Attorney General signs first).
  ⑤ Then it goes to Vicki Divoll + Cheryl Mills. Pretty much follows recommendation by Pardon Attorney. Send memo to President.

1200 cases a year
usually takes at least a year but it can be accelerated

- If parole is a possibility, they use it rather than a COMMUTATION. They could also enable the process to make them parole eligible
- Most of them don't want to apply for parole -- which is another political statement in their part.
- Their process is moving along It is already asking the input of the IL Attorney General. They're pretty knowledgeable about the cases by now. 6 Lawyers working on it although not in front burner.
- Reasons for clemency:
  - Severity of sentence
  - Disparity with other cases
  - Terminal Illness
  - Cooperation with Governor.
  - Foreign Countries consideration

  } very political process

- Something like this need to go through Pardon Attorney's process.
- Cong. Gutierrez, Sisler, Nieves Falcon, Deutch met with Love last Summer. No Follow-up from Gutierrez.
- High priority PR issue
  Right to fight for independence (terrorism / violence is seen in this context by PRicans).
  High priority for PR community in U "Romantic Nationalism"
- Responsive but not involved (Pres.)
- Grant then mtg. w/ some people in Justice + WH to give impression they're working on it. Keep at Justice level.

CL 15553

EXHIBIT 67

7/7/95

STRATEGY

I. Continue letter campaign from U.S. as Democratic voters. Personalize them.

II STATE (IL) [ASK all these peop' for personal letters to President]

1. Meeting with García + Muñoz
2. Meeting with Del Valle of a delegation composed of:
   - García
   - Muñoz
   - Daniel Ramos
   - Elías Díaz
   - Millie Rivera
   - Billy
3. Delegation to meet with Anabel Rosales
4. Delegation to meet with Governor + Attorney General Jim Ryan
5. Delegation to meet with Carol Moseley-Brown — ask him to approach Black Cong. caucus
6. Delegation to meet with

(?) Miriam Santos.

7. Delegation to visit Daley

8. Delegation to meet with media
   - José Serrano (Ch. 44)
   - Gernica (Ch. 66)
   - Mario Cuadra (Exito)
   - Luis Rossi (La Raza)

III. STATE (NY)

1. Freddie Ferrer, Roberto Ramirez, Dennis Rivera — Get letters to Pres. from them

2. Liz Colón, Rubén Franco, Nilda Segarra — Approach them to get mtg. with Giuliani

IV. Other STATES

1. PA → Angel Ortiz
2. BOSTON →
3. Connecticut
4. New Jersey
5. Orlando, Florida

V. OTHER COMMUNITIES

1. Irish Americans
2. African Americans
3. Native Americans
4. Mexican Americans

VI. WHITE HOUSE / D.C.

1. Meeting with Margaret Love
2.

VII. Congressional

1. Have Luis approach members of the Cong. Hispanic Caucus [AFTER March].

EXHIBIT 68

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stacey L. Rubin (CN=Stacey L. Rubin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-1996 08:38:40.00

SUBJECT:: Re: Holiday Party

TO:Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
What do you think?
---------- Forwarded by Stacey L. Rubin/WHO/EOP on 12/17/96 08:38 AM ----------

Janet Murguia
12/16/96 07:47:48 PM
Record Type: Record

To: Stacey L. Rubin/WHO/EOP
cc:
Subject: Re: Holiday Party

Stacey -- I'm scheduled for jury duty on this day -- if I do get out, there is a 4pm meeting with White House Counsel Jack Quinn and Reps. Serrano, Guittierez and Velazquez regarding Puerto Rican prisoners which I am supposed to attend. However, I will provide a gift and perhaps someone can have my proxy. If all goes well it may be that I'm just 45 minutes late or so. Janet.

EXHIBIT 69

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-DEC-1997 17:01:24.00

SUBJECT:: Puerto Rican prioners meeting

TO:Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
Did Maria Echaveste ask if you could come to her office tomorrow at 2 re Puerto Rican political prisoners? She's sympathetic and wanted to discuss the issue. If you haven't heard earlier about our meeting, could you join us?

EXHIBIT 70

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-MAR-1998 16:02:37.00

SUBJECT:: 26th Puerto Rican Prisoners Meetings

TO:Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO:Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO:Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO:Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Estela Mendoza (CN=Estela Mendoza/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
A New York area group seeking the release from prison of the Puerto Rican residents of States incarcerated for crimes committed to encourage the granting of independence to Puerto Rico, Prolibertad, wants to deliver petitions for the prisoners' release on the 26th.

An ex-ambassador who's now with the Carter Center has asked me for a meeting on the issue that day after he meets with D/AG Holder.

Fred and I plan to be in Puerto Rico on the 26th, but I think it would help on the issue -- since it will not be resolved soon -- to have these people received. This is the type of meeting that we discussed having at our meeting in Maria's office.

We (Dawn, Janet, Suzanna Valdez, and I) symbolically received petitions on the issue before. (Reps. Serrano, Velazquez, and Gutierrez were part of that presentation. They are not making this request but we may want to see if at least the NY Members want to be here if there's a brief meeting.)

Any thoughts?

EXHIBIT 71

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1998 17:32:45.00

SUBJECT:: P.R. Independence Prisoners Meeting

TO:Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO:Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO:Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
Mickey and I want to make sure you agree on the advisability of meeting with family members of the Puerto Rico independence crimes prisoners. He and I discussed the issue after his e-mail copied to you. He now has more background on what we have been doing on this matter, feels more comfortable, and will be if you are. Are you?

Additionally, my sense from the families' counsel is that they plan a low-key visit aimed at adding to the human dimension on the issue (following, in particular, the religious leaders' presentations to Chuck Ruff and Jack Quinn).

EXHIBIT 72

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUL-1998 15:12:53.00

SUBJECT:: Re: VP mtg w/Hispanic Caucus on Friday, 7/17

TO:Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
Should have cc'd you on this FYI.
---------- Forwarded by Jeffrey L. Farrow/WHO/EOP on 07/16/98 03:11 PM ----------

Jeffrey L. Farrow
07/16/98 03:01:03 PM
Record Type: Record

To: Ricardo M. Gonzales/OVP @ OVP
cc: Fred DuVal/WHO/EOP
Subject: Re: VP mtg w/Hispanic Caucus on Friday, 7/17

Here are points on the major Puerto Rico issues. Sorry for the delay.

Puerto Rico Status Choice Bill

Background:

The Senate Energy Committee completed hearings this week on the House-passed Puerto Rico status choice bill. We support Senate passage as do Democrats including Sens. Graham, Torricelli, and Daschle but Republicans are divided. Larry Craig is a key sponsor and Sens. Hatch, Mack, and D'Amato have backed it in response to U.S. Hispanic support -- 90% in a recent poll. But Sen. Lott is opposed due to the likelihood that Puerto Rico would be a Democratic state and others have questioned whether Puerto Ricans are really "Americans".

The Hispanic Caucus tries to avoid the issue since its four Puerto Rican Members are evenly divided on it. Puerto Rico's Carlos Romero Barcelo leads the statehood party along with Gov. Rossello. Jose Serrano also opposes the current Commonwealth arrangement as "colonial" but Luis Gutierrez and Nydia Velazquez are close to the Commonwealth party which fears a statehood victory.

July 25th will be the Centennial of the beginning of the U.S. taking of Puerto Rico during the Spanish-American War. The date is of symbolic importance to Puerto Ricans given the Islands' unresolved status.

Talking Points:

After a century under the U.S. flag, the 3.9 million residents of Puerto Rico are U.S. citizens and exercise state-like authority but have no vote in the government which makes their national laws.

The Administration supports the bill because we believe that they should finally be enabled to choose whether to continue the Commonwealth arrangement or become a sovereign nation or a State.
The President and I have no preference among the options and will support

their choice.

U.S. Puerto Rican Vote

Background:

Reps. Serrano, Gutierrez, and Velazquez want a Puerto Rico status choice bill to enfranchise the three million Puerto Ricans in the States. Cong. Romero and most insular officials oppose the idea.

Talking
Point:
I understand the House bill lets the Government of Puerto Rico determine which non-residents should be enabled to vote.

Puerto Rican 'Political Prisoners'

Background:

Reps. Gutierrez, Velazquez, and Serrano are among many people seeking the release of 15 Puerto Rican residents of States held for long terms in Federal prisons for crimes committed in the name of Puerto Rican independence. They claim none caused injury to a person but the groups the prisoners were affiliated with did. Cong. Romero is opposed to release unless the prisoners repent.

Justice is expected to make a recommendation on the cases soon.

Talking
Point:
We have heard from many people on the issue. The cases are being seriously considered.
They are still at the Justice Department but we expect a recommendation to the President
soon.

EXHIBIT 73

From: Watney Chris J
To: OPA.OPA(ADAMSROG,KUZMASUS)
Date: 12/4/98 5:12pm
Subject: White House contact on Puerto Ricans

Susan, Roger:

The White House contact who has told reporters that they are expecting a recommendation in about a month regarding the Puerto Ricans' pardons is Jeffrey Farrow. He is apparently the "Puerto Rican contact" at the WH.

EXHIBIT 74

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-OCT-1998 09:28:01.00

SUBJECT:: Re: Puerto Ricans

TO:Maureen T. Shea (CN=Maureen T. Shea/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
Jeff Farrow is the guru on this issue. We have not made any decisions on the political prisoners. We are waiting to hear from DOJ still. The process is DOJ makes a recommendation and then sends it to us. The President would then decide based on this recommendation. We are still waiting for DOJ's recommendation. For more info, Jeff is the person to contact.

Maureen T. Shea
10/28/98 08:44:24 AM
Record Type: Record

To: Maritza Rivera/WHO/EOP
cc:
Subject: Puerto Ricans

I got a call from the Episcopal Church office here - vague but about Puerto Rican political prisoners - bill the President signing - can you help?

EXHIBIT 75

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAR-1999 15:37:13.00

SUBJECT:: Puerto Rican prisoners issue

TO:Charles F. Ruff (CN=Charles F. Ruff/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:John Podesta (CN=John Podesta/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Sara M. Latham (CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

BCC:Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:
Chuck--Jeff's right about this--very hot issue. I would suggest that Chuck and I meet with these members once we have the latest update from Chuck, unless John feels like taking the time on this difficult issue. My recollection of the last status is that there was some movement towards a conclusion that commutation might be ok for some of the prisoners but not all--but that doj concluded no go then---is that about right?
---------- Forwarded by Maria Echaveste/WHO/EOP on 03/07/99 03:21 PM ----------

Jeffrey L. Farrow
03/06/99 12:24:13 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Puerto Rican prisoners issue

We should think about a meeting soon with Reps. Gutierrez, Velazquez, and Serrano on the Puerto Rico independence crimes prisoners issue. They have requested one with the POTUS but the options include the VP and John as well. The issue should be resolved soon -- the petitions have been before us for a long time. The VP's Puerto Rican position would be helped: The issue is Gutierrez's top priority as well as of high constituent importance to Serrano and Velazquez.

Message Sent
To:
Fred DuVal/WHO/EOP
Mickey Ibarra/WHO/EOP
Maria Echaveste/WHO/EOP

EXHIBIT 76

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-1999 18:14:55.00

SUBJECT:: Puerto Rico independence crimes prisoners

TO:Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mickey Ibarra (CN=Mickey Ibarra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Moe Vela (CN=Moe Vela/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC:Maria E. Soto (CN=Maria E. Soto/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Todd A. Bledsoe (CN=Todd A. Bledsoe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Chuck Ruff will meet with Reps. Gutierrez, Velazquez, and Serrano on the Puerto Rico independence crimes prisoners Wednesday afternoon. Dawn Chriwa and I will meet with him beforehand.

EXHIBIT 77

CONDITIONS OF RELEASE

1. You shall go directly to the district shown on this CERTIFICATE OF RELEASE (unless released to the custody of other authorities). Within three days after your arrival, you shall report to your parole advisor if you have one, and the United States Probation Officer whose name appears on this Certificate. If in any emergency you are unable to get in touch with your parole advisor, or your probation officer or the United States Probation Office, you shall communicate with the United States Parole Commission, Department of Justice, Chevy Chase, Maryland 20815.

2. If you are released to the custody of other authorities, and after your release from physical custody of such authorities, you are unable to report to the United States Probation Officer to whom you are assigned within three days, you shall report instead to the nearest United States Probation Officer.

3. You shall not leave the limits fixed by this CERTIFICATE OF RELEASE without written permission from your probation officer.

4. You shall notify your probation officer within 2 days of any change in your place of residence.

5. You shall make a complete and truthful written report (on a form provided for that purpose) to your probation officer between the first and third day of each month, and on the final day of parole. You shall also report to your probation officer at other times as your probation officer directs, providing complete and truthful information.

6. You shall not violate any law. Nor shall you associate with persons engaged in criminal activity. You shall get in touch within 2 days with your probation officer or the United States Probation Office if you are arrested or questioned by a law-enforcement officer.

7. You shall not enter into any agreement to act as an "informer" or special agent for any law-enforcement agency.

8. You shall work regularly unless excused by your probation officer, and support your legal dependents, if any, to the best of your ability. You shall report within 2 days to your probation officer any changes in employment.

9. You shall not drink alcoholic beverages to excess. You shall not purchase, possess, use or administer marijuana or narcotic or other habit-forming or dangerous drugs, unless prescribed or advised by a physician. You shall not frequent places where such drugs are illegally sold, dispensed, used or given away.

10. You shall not associate with persons who have a criminal record unless you have permission of your probation officer.

11. You shall not possess a firearm or other dangerous weapons.

12. You shall permit confiscation by your probation officer of any materials which your probation officer believes may constitute contraband in your possession and which your probation officer observes in plain view in your residence, place of business or occupation, vehicle(s) or on your person.

13. You shall make a diligent effort to satisfy any fine, restitution order, court costs or assessment, and/or court ordered child support or alimony payment that has been, or may be, imposed, and shall provide such financial information as may be requested, by your Probation Officer, relevant to the payment of the obligation. If unable to pay the obligation in one sum, will cooperate with your Probation Officer in establishing an installment payment schedule.

14. You shall submit to a drug test whenever ordered by your probation officer.

SPECIAL CONDITIONS: (Applicable only if indicated)

( ) You shall participate as instructed by your probation officer in a program approved by the Parole Commission for treatment of narcotic addiction or drug dependency, which may include testing and examination to determine if you have reverted to the use of drugs.

( ) You shall participate in a community based program for the treatment of alcoholism as directed by your probation officer.

( ) You shall participate in an in-patient or an out-patient mental health program as directed by your probation officer.

( ) You shall reside in and participate in a program of the Community Corrections Center as instructed until discharge by the Center Director, but no later than 120 days from admission.

( ) Other:

This CERTIFICATE will become effective on the day of release shown on the reverse side. If the releasee fails to comply with any of the conditions listed above, the releasee may be summoned to a hearing or retaken on a warrant issued by a Commissioner of the U.S. Parole Commission and reimprisoned pending a hearing to determine if the release should be revoked.

Information concerning a releasee under the supervision of the U.S. Parole Commission may be disclosed to a person or persons who may be exposed to harm through contact with that particular releasee if such disclosure is deemed to be reasonably necessary to give notice that such danger exists. Information concerning releasees may be released to a law enforcement agency as required for the protection of the public or the enforcement of the conditions of the release.

☆ U.S. GOVERNMENT PRINTING OFFICE 1980-373-730

Mickey,
FYI
JR

THE WHITE HOUSE
WASHINGTON

September 3, 1999

EXHIBIT 78

Jan Susler, Esq.
People's Law Office
1180 N. Milwaukee
Chicago, Illinois, 60622

Dear Ms. Susler:

This letter is to follow-up on our September 2, 1999, conversation. In that conversation, you indicated that you were close to completing your consultation with your clients to apprise them of the elements of the President's conditional grant of clemency. It is our understanding that after your next discussion with your clients, scheduled for next Wednesday, September 8, 1999, your process will be completed and the prisoners would be in a position to make a fully informed decision regarding the President's offer. As you know, the President's grant of clemency was conditioned on the requirements that they:

(1) Request clemency,
(2) Renounce the use of violence and
(3) Abide by normal conditions of parole once released.

By signing the statements, the prisoners will be agreeing to accept these terms and conditions.

As you know, the President has rejected your clients' view that they are deserving of unconditional clemency. He believes that they engaged in serious criminal conduct for which they should have been held accountable. The President believes that, in most instances, they have already served longer sentences then would be imposed under the Sentencing Guidelines today, particularly since none of the crimes committed by the prisoners resulted in the death or physical injury of anyone. The President was also influenced by the many religious and civic leaders who supported clemency, including former President Carter, Archbishop Desmond Tutu, and Cardinal O'Connor. In light of these factors, the President believes that the conditional grant of clemency is both fair and appropriate. Accepting the President's offer will allow the prisoners, in keeping with their stated desire, to return home to their families.

The President extended the offer of clemency to your clients on August 11, 1999. We agreed at the time that you needed a reasonable amount of time to consult with your clients and explain to them the conditions imposed. As that process will be completed with your discussion

next Wednesday, we will expect to receive the signed statements from any of your clients who accept the conditional grant by next Friday, September 10, 1999. If we have not received their signed statements by 5:00 p.m. on that date, the offer will be deemed rejected as to those prisoners and they will have elected to serve out the remainder of their sentences in accordance with all applicable statutes and regulations.

Sincerely,

Dawn Chirwa
Associate Counsel to the President

EXHIBIT 79

I Alberto Rodriguez, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois, CHICAGO

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

September 7, 1999
Date

Alberto Rodriguez
Signature of Petitioner

Subscribed and sworn to before me this 7th day of Sept, 19 99

"CASE MANAGER, AUTHORIZED BY THE ACT OF JULY 7, 1955, AS AMENDED, TO ADMINISTER OATHS (18 USC 4004)."

Notary Public

Witnessing staff: Thomas Lomieny

I Adolfo Matos hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9-7-99
Date

Signature of Petitioner

Subscribed and sworn to before me this 7th day of 09, 19 99

C. BEST
Notary Public

CARLOS BEST
Commission # 1106302
Notary Public - California
Santa Barbara County
My Comm. Expires Jul 18, 2000

I Edwin Cortes, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern Ill.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9/7/99
Date

Edwin Cortes
Signature of Petitioner

Subscribed and sworn to before me this 7th day of SEPT, 19 99

Notary Public

"A. GIORDANI, PAROLE OFFICER"
AUTHORIZED BY ACT OF JULY 7, 1955
TO ADMINISTER OATHS
(18 U.S.C. 4004).

I Juan E. Segarra, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the District of Connecticut.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9/7/99
Date

Juan Segarra
Signature of Petitioner

Subscribed and sworn to before me this 7 day of Sept., 1999

Felix Quinones
Notary Public

FELIX QUINONES
Notary Public, State of Florida
My Comm. Expires April 3, 2000
No. CC 545220
Bonded Thru Official Notary Service
1-(800) 723-0121

I Luis Rosa, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the _____.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9-7-99
Date

Luis Rosa
Signature of Petitioner

Subscribed and sworn to before me this 7th day of Sept., 1999

Glenn Payton
Notary Public

12-17-2000

I Elizam Escobar, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

September 7, 1999
Date

Elizam Escobar
Signature of Petitioner

Subscribed and sworn to before me this 7th day of September 1999

Kathy Rudy
Notary Public

MY COMMISSION EXPIRES 7-22-2001

I Alejandrina Torres, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

Sept. 7, 1999
Date

Alejandrina Torres
Signature of Petitioner

Subscribed and sworn to before me this 7th day of September, 1999

Notary Public Patricia M. Gatts
My Commission Expires Aug. 31, 2002

I Alicia Rodriquez, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois, Eastern Division

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9-7-99
Date

Alicia Rodriquez
Signature of Petitioner

Subscribed and sworn to before me this 7th day of SEPTEMBER 1999

JUSTIN MOYER
Notary Public
CASE MANAGER

witnessed Steve Haight, ISM

AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)

I Ida Rodriguez, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois, Eastern Division

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9/7/99
Date

Ida Rodriguez
Signature of Petitioner

Subscribed and sworn to before me this 7th day of SEPTEMBER, 1999

JUSTIN MOYER
Notary Public
CASE MANAGER

WITNESSED Steve Fairchild

AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)

I Carmen Hilda Valentin, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois, Eastern Division

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9-7-99
Date

Carmen Valentin
Signature of Petitioner

Subscribed and sworn to before me this 7th day of September, 1999

JUSTIN WEAVER
Notary Public
LAKE MANAGER

Witnessed
Steve Sairotti

AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)

I Dylcia Noemi Pagan, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern District of Illinois, Eastern Division.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

9-7-99
Date

Dylcia Pagán
Signature of Petitioner

Subscribed and sworn to before me this 7th day of September 1999

JUSTIN MOYER
Notary Public

CASE HOWARSER

Witness Steve Jairath, Esq.

AUTHORIZED BY THE ACT OF JULY 7, 1955
TO ADMINISTER OATHS (18 U.S.C. 4004)

I Ricardo Jiménez, hereby request that the President of the United States commute any sentence of imprisonment that I am now serving as a result of a conviction for one or more offenses in the United States district court for the Northern Illinois.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

I understand that if my sentence is commuted, I must abide by all conditions of release as imposed by law or by the Parole Commission or any successor agency as modified by any provision in a grant of commutation I may receive. I further understand that if I violate a condition of release, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction as imposed by the court to a penal institution designated by the Attorney General and remain incarcerated until any sentence imposed on me has been served or until I am otherwise released in accordance with law.

I understand that if I am convicted of a criminal offense under federal or state law, any commutation I have received may be voided in its entirety, and that I will be remanded under my original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until any sentence as imposed on me by the court has been served or until I am otherwise released in accordance with law.

I understand that, as a convicted felon, I may not possess a firearm or destructive device, and that to do so is a violation of federal law.

September 07, 1999
Date

Signature of Petitioner

Subscribed and sworn to before me this 7th day of Sept, 19 99

Notary Public
Authorized by the act of
July 7, 1955 to administer
oaths (18 J. S. C.)
KATHY L. PIERCE
PAROLE OFFICER
FEDERAL PRISON [redacted]
TERRE HAUTE, IN 47808

I ROBERTO MALDONADO-RIVERA, hereby request that the President of the United States remit any unpaid balance of my fine that was imposed as a result of a conviction for one or more offenses in the United States District Court for the District of Connecticut.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

September 7, 1999
Date

Signature of Petitioner

Aff. No. 1,070

Subscribed and sworn to before me this 7 day of September 1999

LUIS M. ROSADO VELAZQUEZ
Notary Public

I, Norman Ramírez-Talavera, hereby request that the President of the United States remit any unpaid balance of my fine that was imposed as a result of a conviction for one or more offenses in the United States District Court for the District of Connecticut.

By signing this statement and requesting clemency from the President, I hereby renounce the use, threatened use, or advocacy of the use, of violence for any purpose, including the achieving of any goal concerning the status of Puerto Rico. I understand and agree that "violence" includes, but is not limited to, acts defined in section 16 of Title 18, United States Code.

September 8, 1999

Norman Ramírez-Talavera
Petitioner

Affidavit No. 1287

Sworn and subscribed before me by Norman Ramírez Talavera, of legal age, married, resident of Vega Baja, Puerto Rico, social security number 584-86-7384.

In San Juan, Puerto Rico, this 8th day of September, 1999.

IVAN R. FERNANDEZ VALLEJO
PUERTO RICO
ABOGADO-NOTARIO

Notary Public

Maldonado & Torres

Los Robles 913-B Villa Nevárez
Río Piedras, P.R. 00927

Teléfono: 282-0636
~~Apartado 925~~
~~Aibonito, P.R. 00705~~

September 7, 1999

Ms. Dawn Chirwa
c/o The White House
Old Executive Bldg.
Office of the Legal Counsel
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20502

RE: Executive Grant of Clemency
(Case No. H85-50)

Dear Ms. Chirwa:

Please find enclosed a signed written statement as requested by the President in the Executive Grant of Clemency signed by him on the 11th. of August, 1999.

Thanking you in advance for your attention to this matter, I remain,

Sincerely yours,

ROBERTO MALDONADO-RIVERA

CONFIDENTIAL

fax

To: Ms. Dawn Chirwa, Assistant Counsel to the President

Date: September 8, 1999 **Fax:** (202) 456-2146

Pages: 3, including this cover sheet.

Re: Dear Ms. Chirwa:

I am including the sworn statement by Norman Ramírez-Talavera accepting the offer or remission of fine as per executive grant of clemency. The original is been sent via Federal Express to your office today.

Thanks for your kind attention to this matter.

Sincerely,

Juan R. Acevedo

From the desk of...

Lcdo. Juan R. Acevedo Cruz
Abogado
Home Mortgage Plaza, Suite 1003
268 Ponce de León Ave.
Hato Rey, PR 00918

Tel. (787) 751-2341
Fax: (787) 751-2795

Juan R. Acevedo Cruz
ABOGADO

Home Mortgage Plaza
Suite 1003
268 Ave. Ponce de León
Hato Rey Puerto Rico 00918-2006

Tel. (787) 751-2141
Fax (787) 751-2795
jacz@microjuris.com

September 8, 1999

Ms. Dawn Chirwa
Assistant Counsel to the President
The White House
Washington D.C.

RE: Norman Ramírez-Talavera

Dear Ms. Chirwa:

I am including the sworn statement by Mr. Norman Ramírez Talavera accepting the offer or remission of fine as per executive grant of clemency.

Thanks for your kind attention to this matter.

Sincerely,

Juan R. Acevedo

EXHIBIT 80

THE
CARTER CENTER

OCT 22 1999

October 15, 1999

Mr. James Wilson, Chief Counsel
The House Committee on Government Reform
2157 Rayburn Building
Washington, D.C. 20515

Dear Mr. Wilson:

I apologize for the delay in my response to Chairman Burton's September 28 request that I provide additional information to the Committee regarding the sentences received by the 16 individuals granted clemency by President Clinton. As you know, I was unavailable to respond due to the fact that I was out of the country for some time following the committee's hearing.

Chairman Burton requested that I provide additional information to support my view that the individuals in question had received disproportionately long prison sentences for their crimes. That view is based on several factors. The individuals who had their prison sentences commuted by President Clinton received sentences ranging from 35 to 90 years in prison. The crimes that they were convicted of were very serious and should not be minimized. None of the individuals were granted clemency, however, for crimes that resulted in any deaths. By way of comparison, federal statistics show that in 1980 the average sentence in federal court for murder was a little over 10 years. More recent federal statistics show that in 1997 the average maximum sentence in federal court for murder was a little over 12 years; in state courts the average maximum sentence for murder was approximately 22 years. More detailed information on federal sentencing can be obtained from the Department of Justice's Bureau of Justice Statistics.

In addition, my understanding is that the individuals granted clemency were sentenced to consecutive prison terms for each of their crimes. While I am not an expert on federal sentencing procedures, I am told that the current Federal Sentencing Guidelines generally mandate that sentences for multiple crimes be served concurrently, rather than consecutively.

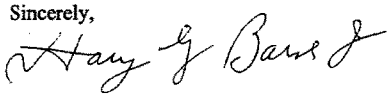
Finally, my view was also influenced by two recent cases involving conduct similar to that of the individuals granted clemency. On September 10, 1999, the *Washington Post* reported that José Solis Jordan, a Puerto Rican nationalist, was sentenced in Illinois for planting two bombs at a military recruiting center. He received a sentence of a little more than four years in prison. On February 21, 1997, the Associated

ONE COPENHILL · 453 FREEDOM PARKWAY · ATLANTA, GEORGIA 30307 · (404) 420-5151 · FAX (404) 420-5196

Press reported that three members of the 112 Georgia Militia were sentenced to prison for stockpiling explosives for use against the federal government. The longest sentence received by any of the three was eight years.

I again apologize for the delay in responding to the Chairman's request. At the same time, I want to express my appreciation for the opportunity to testify before the Committee.

Sincerely,



Harry G. Barnes Jr.
Chair, Human Rights Committee

Cc: Mr. Michael Yang

EXHIBIT 81

Doug Scofield, Ch of Staff for Cong Gutierrez. 225-8203 Referred me to Enrique Fernandez

Back on November 5, Deputy Attorney General Eric Holder met with Congressman Gutierrez, and also with Congressman Serrano and Congresswoman Velazquez about commutations for the 17 persons serving federal time for various offenses that they and their supporters describe as having been undertaken for the cause of Puerto Rican independence. You might have been there — not sure?

I am the Pardon Attorney at the Department, and I was at the meeting with Mr. Holder. — and we are still working on a recommendation to send over to the White House.

At the November meeting, the Deputy Attorney General asked about the fact that these persons had not applied for a commutation themselves indicated lack of repentance. I think that Cong Gutierrez in responding to this said that we would be provided with something in writing addressing the issue of repentance and how these persons have changed while in prison. Actually the Congressman may have mentioned a second time that we would be provided something in writing.

Yesterday the Deputy asked me to contact your office to see where we stood on getting such a statement. We are ready to finish up our report and recommendation fairly soon, and would like to have the statement on repentance to include, if it's likely to be forthcoming anytime soon.

EXHIBIT 82

Tel Conversation with Enrique Fernandez, on the staff of Congressman Gutierrez, April 9, 1998.

He was at the November 5 meeting and remembered the Congressman's statement that we would be provided something on repentance. He said a statement has ben circulated to all 15 and all 15 will sign separate, although identical, statements. It will be sent here, probably by Jan Susler. He was going to call her and ask her to send it here directly, although I gave him our address. Probably sometime around April 16 to 23. It is unlikely to show "repentance" as Mr. Fernandez said the persons have said — and this may be the gist of the statement — that they cannot participate in the current political process of the U.S. with respect to its relationship to PR — although they have no quarrel with the U.S. Constitution and laws with respect to matters in the U.S. They would, however, participate in a process provided by HR 56 or something similar that grants a vote on PR independence. Maybe they are renouncing violence with respect to any referendum on independence, once such a referendum is scheduled? Anyway, he said that his Congressman is very confident they will not "do it again, bombs and stuff like that."

He also described for me the vote on HR 56 (209 to 208 in favor of a referendum on statehood or independence) and how its prospects are doubtful in the Senate this year.

So, we will be getting something, but probably not exactly what Cong. Gutierrez had in mind, but we will see.

Roger

1041899

EXHIBIT 83

UNITED STATES GOVERNMENT
MEMORANDUM

United States Penitentiary
SIS / Intelligence Office
3901 Klein Boulevard
Lompoc, California 93436

DATE: September 7, 1999

REPLY TO ATTN. OF: J.M. Guerrero Correctional Officer

SUBJECT: *Matos, Adolfo #88968-024*

TO: G. Bondurant, Special Investigative Agent

On September 7, 1999, at approximately 3:52pm, while listening to audio tapes of phone calls made by inmate Matos, Adolfo #88968-024, out of J-Unit, dated April 15, 1999 at approximately 10:23am, to a telephone number registered in Puerto Rico (787) 892-1320, I overheard the following conversation in Spanish:

Matos: "When people call me old, I get fired up. This white hair.."
Lydia: "But those nineteen years, you can't just forget about them."
Matos: "No, no, it's been one of the greatest investments of my life, you know?"
Lydia: "Why? Why?"
Matos: "To give my life for something I believe in, something that's not for personal gain. I liked helping people, anybody, you know. For the justice of my people. In this manner I get involved. And my desire has gotten stronger, to the point where I want to continue. Continue to fight and get involved with my people, because I love them.
Lydia: "And what about what Carlos said? If the prisoners were to ask for a pardon, it would all be different. Are you willing to ask for a pardon?"
Matos: "No. I don't have to ask for forgiveness from anybody. Look it's like the song says. ."
Lydia: "Aren't they recording?"
Matos: "No, I don't care, it's like that song by..."
Lydia: "Don't you feel ashamed of it?"
Matos: "No, no, no, my love, I have nothing to be ashamed of, or feel that I have to ask for forgiveness. I don't have to ask for forgiveness because my conscience is at peace with itself. You see, it's a question of rights. Of the violations that they have been committing against our people for the past one-hundred years. First, it was the Spaniards, then the North Americans. It's obvious, it just hasn't gotten out there enough to convince our people and besides, they've been led around by capitalism, you know? Those North Americans. "

At this point in his conversation, he began talking about getting pictures from her and continued to talk for approximately another ninety seconds.

EXHIBIT 84

UNITED STATES GOVERNMENT

MEMORANDUM

FEDERAL CORRECTIONAL INSTITUTION
ALLENWOOD, PA.

Date: September 8, 1999

From: Jake Mendez, Warden Todd R. Craig for

Subject: **Telephone Monitoring Case**
Camacho-Negron, Antonio
Reg. No. 03587-069

To: David M. Rardin, Regional Director

Attached is an over view of the telephone usage of Camacho-Negron, Antonio, Reg. No. 03587-069 from July, August and September, 1999. During the three months for which we reviewed his phone calls, inmate Camacho-Negron attempted 392 phone calls, and completed 152 of those attempts (we listened and interpreted all 152 calls). A vast majority of the calls completed by Camacho-Negron had a focus on the political turmoil he felt the United States was creating by attempting to have Puerto Rico become a state.

The phone calls monitored for the time frame of July, August and September, 1999, did not have specific terrorist plots, or violent actions, nor were there political targets assigned. However, in a monitored phone call dated August 25, 1999, with Attorney Jan Sussler, inmate Camacho-Negron stated "we cannot (politically) renounce the armed struggle totally."

From the calls, Camacho-Negron has apparently kept himself current with the political issues of the organization against statehood for Puerto Rico. And, from those translated phone conversations, he contacted attorneys regarding his current confinement and has been made aware of people aligning themselves with his cause. [Note: Camacho's calls to attorneys were placed over the Inmate Telephone System. A request was not made by Camacho-Negron for an unmonitored legal phone call, therefore all calls were monitored]. One such person named during a phone conversation was a reporter for the Chicago Sun-Times, Anna Mendieta, who reportedly shares the beliefs of the cause the FALN supports. The phone conversations listed on the attachment are not an exhaustive account of Camacho-Negron's phone activity, but it is a good indication he is persistent with supporting his dissident cause.

If additional information is needed, please contact me.

Attachments

P.S. 1380.05
August 1, 1995
Attachment S, Page 1

INMATE TELEPHONE CALL MONITORING REPORT

Call Date : 8-25-95 Call Time: 11:18pm Line # 14

Name Inmate Used: _____ Other Party: F. Jan

Inmate Identified as: I. [illegible] By Officer: _____

of _____ Housing Unit.

Names Mentioned during the call: Jan

Time	Comments
11:18:00	F. During the conference we spoke about removing the [illegible]
11:23:07	I. The circumstances have changed.
11:23:17	F. They agreed that they weren't going to go back to the armed struggle
11:23:58	I. We don't have to compose that in written form, we cannot (politically) renounce the armed struggle totally
11:24:10	F. Let's talk more about this when we meet again.

(Cont'd on Reverse) Monitored by: [signature]

10120013

EXHIBIT 85

INVESTIGATOR'S REPORT REGARDING CAMACHO-NEGRON

Listed below will be highlights of phone conversation Camacho-Negron had with various people he contacted during July, August and September, 1999.

September 5, 1999

Camacho-Negron was talking to a female and he was told about signing a pardon, with conditions listed with the pardon. Camacho-Negron said he thought the pardon and the conditions could be published on the INTERNET. Camacho-Negron believes if people see this their financial support to gain momentum.

August 27, 1999

Camacho-Negron made numerous comments about his political situation, describing his plight and sounding as though he had his conversation taped recorded by some recording device.

August 25, 1999

Camacho-Negron was informed his name did not appear on a list for possible pardon. He believed his name was not mentioned because he could influence others by taking a stand against such an offer. He also mentions the struggle his group is in and it could not continue unless the use of arms was employed.

August 24, 1999

Camacho-Negron was speaking of planned marches and was informed there could possibly be popular people would attend this meeting. He was also talking about a letter he received which said he would be interviewed by a Puerto Rican reporter. He gave two phone numbers he felt were important to his cause. [redacted] EXL [redacted] and [redacted] Camacho-Negron said he will accept a pardon but with no conditions attached.

August 22, 1999

Camacho-Negron was talking to a male about his publicity of him being in prison. He expressed interest in the New York state campaign for Senator. He talked of a man named "Torsey" as a trafficker and mafia criminal type. Camacho-Negron also said he was writing a letter to the President of the United States.

SENSITIVE INFORMATION F.O.I. EXEMPT

INVESTIGATOR'S REPORT REGARDING CAMACHO-NEGRON

August 21, 1999

Camacho-Negron was commenting about the Senate race between Gailiani and Ms. Clinton. He wanted some details of what was said during a march in Puerto Rico.

August 20, 1999

Camacho-Negron received a fine notification and he said he does not acknowledge the fine because of his political affiliation, and his stand against the government. He also spoke of his prison term ending on around the year of 2024.

August 19, 1999

Camacho-Negron spoke about the use of the INTERNET. He spoke of his monetary fine and the pardon, if he accepted one, the political ramifications to the rest of the people in Puerto Rico. He made comparisons to the United States and England as the revolution, to the United States and Puerto Rico relationship. Camacho-Negron said the entire government should be appointed and there should not be any free elections.

INMATE DATA:

Inmate CAMACHO-NEGRON, Antonio, Reg. No. 03587-069, is a 53-year-old Hispanic male, serving a 15 years sentence for Conspiracy and the Foreign Transportation of Stolen Money. He was sentenced in the District of Connecticut on June 8, 1989. He has a projected release date of May 9, 2002, via Good Conduct Time Release. He is an In custody inmate, with a Medium security level classification. Camacho-Negron has a Separations CIM assignment. Camacho-Negron arrived at FCI Allenwood on January 25, 1999 as a parole violator return. Camacho-Negron has a Refusing an Order and Failing to Follow Safety Regulations. He has a detainer with the Immigration and Naturalization Service.

EXHIBIT 86

7-26-99

Sandy

① I agree w/ this — This is wrong. I think They don't want us there that's the main point The NAVY CAN find a way to work around it —

② What about the PRISONERS

Need Reply

Sandy

① I agree w/ this — This is wrong I think They don't want us there that's the main point The NAVY CAN find a way to WORK AROUND it —

② what about the PRISONERS

Need Reply

JUL 27 13:27

DAN BURTON, INDIANA,
CHAIRMAN
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ILEANA ROS-LEHTINEN, FLORIDA
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JOHN L. MICA, FLORIDA
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DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
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JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH 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

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 20, 1999

EXHIBIT 87

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Hearing Regarding the FALN

Dear General Reno:

Tomorrow, the Committee on Government Reform is holding a hearing regarding President Clinton's grant of clemency to 14 members of the FALN. This afternoon, Committee staff called the Federal Bureau of Investigation to determine when the FBI's witness, Assistant Director Neil Gallagher, would submit his opening statement to the Committee. We were informed that Justice Department staff denied the FBI permission to submit a written opening statement at the hearing.

As you know, the President has asserted executive privilege over records relating to his clemency decision. The President's decision has prevented the Committee and the public from determining any of his reasons for granting clemency. However, the Committee's hearing will examine important issues relating to the threat posed by the FALN both in the past, and in the present. Accordingly, I expect that most of Assistant Director Gallagher's testimony would not have touched on issues covered by executive privilege.

If the Justice Department is attempting to prevent the disclosure of privileged information, there are more effective ways to achieve its goal rather than muzzling Assistant Director Gallagher. The Justice Department can simply redact any privileged material from the statement before it is submitted to the Committee. I urge you to take this simple step so that the Committee and the public can hear unfettered testimony from this important witness.

It would be unconscionable for the Justice Department to try to muzzle the FBI on matters pertaining to terrorism. Unfortunately, though, that would be fully consistent with your practice over the past several weeks. When FBI witnesses were invited to testify in Senate hearings, you prevented them from attending. Now that the Committee

has subpoenaed a witness from the FBI, you are trying to keep them from providing an opening statement. In holding this hearing, the Committee is carrying out an important constitutional duty – overseeing the Executive Branch. Your actions show a disregard for the importance of that duty, and of the public's right to know what its government is doing.

You have had one week to redact any privileged remarks from the written FBI statement. You appear to be operating with a sledgehammer, rather than a scalpel. This fact makes it appear that your motives are purely partisan. Why is the Justice Department trying to keep the FBI from testifying? What is it that you are trying to keep from the public? Once again, Attorney General Reno, it appears that you are acting not as a servant of the people, but to protect the President.

Sincerely,

Dan Burton
Chairman

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

APPENDICES

APPENDIX I.—THE FALN AND MACHETEROS IN THEIR OWN WORDS

This appendix is a collection of communiqués, manifestoes, and other documents produced by Puerto Rican pro-independence terrorists during the 1970's, 1980's and 1990's, which have been provided to this Committee. Included in these documents are the following representative statements, published by the FALN after its bombings in the 1970's, which show the violent and seditious nature of the 16 terrorists to whom President Clinton offered clemency:

> [T]he Puerto Rican people are organizing and arming in order to form a People's Revolutionary Army which will rid Puerto Rico of Yanki colonialism. We have opened two fronts, one in Puerto Rico, the other in the United States . . .
>
> [W]e fully realize that the people will not gain justice by demonstrating and shouting. The only justice that can be handed out to the murderers of our people is revolutionary justice through the implementation of revolutionary violence. . . . For each repressive act taken upon our people and fighters for Puerto Rican independence, the FALN will respond with revolutionary violence.
>
> We, FALN, the Armed Forces of the Puerto Rican Nation, take full responsibility for the especially-detonated bomb that exploded today at Fraunces Tavern with reactionary corporate executives inside. . . . You have unleashed a storm from which you comfortable Yankis cannot escape.
>
> To the FALN the issue is very clear: at no time can we allow an attack by the enemy upon our people to go unanswered. Fascist terror is met with revolutionary violence.
>
> These actions demonstrate to the United States Government that the mobile guerrilla units of the FALN can hit anywhere in the United States. . . . We also want to express our solidarity with the victorious people of Vietnam, Cambodia, and Laos. Their victory is our victory!
>
> Only a protracted, organized armed struggle can force the yanki invaders out of Puerto Rico.

We also wish to communicate our profound sorrow on the death of Chairman Mao Tse-Tung, whose teaching has inspired the FALN every step of the way.

[T]o be truly revolutionary, a party must educate and organize the masses for the seizure of power by way of an organized and disciplined vehicle, a People's Revolutionary Army. . . . The importance of a People's Revolutionary Army is that it arms the masses and produces a cadre to lead the masses to victory and the development of a Marxist-Leninist Party, tried and tested under fire . . .

[The documents referred to follow:]

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
ARMED FORCES OF PUERTO RICAN NATIONAL LIBERATION

COMMUNIQUE NO.1 OCTOBER 26, 1974

Today, commando units of FALN attacked mayor Yanki corporations in New York City. These actions have been taken in commemoration of the October 30, 1950 uprising in Puerto Rico against Yanki colonial domination. These bombings are also to accent the seriousnes of our demands for the release of the five Puerto Rican political prisoners, the longest held political prisoners in the hemisphere:

OSCAR COLLAZO, LOLITA LEBRON, RAFAEL CANCEL MIRANDA, ANDRES FIGUEROA CORDERO and IRVING FLORES, and the immediate and unconditiona independence of Puerto Rico.

The corporations that we bombed are an integral part of Yanki monopoly capitalism and are responsible for the murderous policies of the Yanki government in Puerto Rico, Latin America, and against workers, peasants and Indios throughout the world. It is these corporations which are responsible for the robbery and exploitation of Third World countries in order to make greater profit and increase their capital. They are the ones which often decide who shall govern countries, who shall live and who shall die.

For these reasons these corporations and the criminals who run them are the enemies of all freedom loving people, who are strugsling for self determination and the right to decide their own destinies.

NOV-02-1999 13:16 FBI CHICAGO P.06/51

We, the guerilleros of the FALN, have undertaken these bombings, not only against the presence of the yanki corporations in Puerto Rico, but as part of the international workers revolution and all people fighting for national liberation.

These actions, along with bombing of major department stores, for three consecutive days in late spring, and the dynamite blasts at Newark Police Headquarters and City Hall, demonstrate what we have said since 1969: that the Puerto Rican people organizing and arming in order to form a Peoples Revolutionary Army which will rid Puerto Rico of yanki colonialism. We have opened two fronts, one in Puerto Rico the other in the United States, both nourished by the Puerto Rican people and allies within Northamerica.

We are not pure militarists. Therefore we do not oppose those parties or people who believe in mass organization. However, to be truly revolutionary, a party must educate and organize the masses for the seizure of power by way of an organized and disciplined vehicle, a Peoples Revolutionary Army. A party which fails to do this falls into reformism and becomes an agent of the bourgeoisie for the continued exploitation and oppression of the people.

The importance of a Peoples Revolutionary Army is that it arms the masses, and produces cadres to lead the masses to victory and the development of a Marxist-Lennist Party, tried and tested under fire, which will educate and organize the people for the construction of a socialist society.

Finally, the FALN supports the demonstration, at Madison Square Garden, on Oct. 27, in support of the independence of Puerto Rico. We view this as a significant step in the formation

NOV-02-1999 13:16 FBI CHICAGO

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
ARMED FORCES OF PUERTO RICAN NATIONAL LIBERATION

COMMUNIQUE #2 DECEMBER II, 1974

Commando Tomas Lopez de Victoria of the FALN, assumes responsibility for the dynamite attack on members of the New York City police force, on Wed December 11,1974, in EL BARRIO.

This is the response of the Puerto Rican people to the brutal murder of Martin "Tito" Perez by the sadistic animals of the 25th precinct on Sunday, December 1, 1974.

The murder of Tito is just one of the many attacks directe against the Puerto Rican and Black communities by the racist New York City police department.

In retaliating against Tito's death we are also avenging the deaths of Clifford Glover, Claude Reese and the countless other innocent Puerto Rican's and Black's who have been brutally assaulted and murdered by racist cops.

By this action the FALN wishes to make it known that racist attacks against Puert Rican, Black and other Third-World communities, as well as attacks against on Puerto Rican liberation fighters and militants, by the vicious animals who occupy our communities, will be met by the armed resistance of the people

FBI CHICAGO NOV-02-1999 13:17

Even though we support the demonstration which took place in City Hall on Monday, December 9, we fully realize that the people will not gain justice by demonstrating and shouting. The only justice that can be handed out to the murderers of our people is revolutionary justice through the implementation of revolutionary violence.

Yanki capitalism has developed through the utilization of racist policies. The genocide of the indios, enslavement of millions of Africans, inhumane bombing of the Indochinese people and the massive sterilization of thousands of Puerto Rican women are just a few examples of the racist policies.

Racism is expressed in our communities through miseducation, terrible health treatment, low salaries, relegation of our people to the most menial jobs and exploitation by whitebusinessmen and landlords is a symptom of capitalism and can only be eliminated by the destruction of the yanki system of government.

For each repressive act taken upon our people and fighters for Puerto Rican independence the FALN will respond with revolutionary violence.

TITO, CLIFFORD, CLAUDE YOURS MURDERS HAVE BEEN AVENGED

FREE PUERTO RICO NOW

FREE ALL PUERTO RICAN POLITICAL PRISONERS

COMPAÑO TOMAS LOPEZ DE VICTORIA

FALN

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

COMUNICADO #2 11 DE DICIEMBRE 1974

El Comando Tomas Lopez de Victoria del FALN, se responsabiliza por el ataque dinamitero contra miembros de la policia en EL BARRIO.

Esta es la respuesta del pueblo Puertorriqueno por el brutal asesinato de Martin "Tito" Perez por los animales sadicos del cuartel 25 la noche del domingo, 1ro. de diciembre.

El asesinato de Tito es solamente uno delos muchos ataques por la policia racista de nueva york contra las comunidades Boricuas y Negras.

Nuestro ataque contra estos animales no solamente nos venga la muerte de Tito sino nos da venganza por el asesinato de los muchachitos negros Clifford Glover y Claude Reese.

Cojemos esta oportunidad para dejarle saber a la policia que cualquier ataque contra nuestras comunidades o contra luchadores por la independencia de Puerto Rico sera resistido por la vanguardia armada del pueblo, la FALN.

Aunque apoyamos la demostracion que se llevo acabo frente City Hall el lunes, 9 de diciembre, nosotros estamos convencidos que la unica fuerza que el gobierno racista americano reconoce es la violencia revolucionaria.

El capitalismo yanki le debe su existencia a polizas racistas.

POLICE LABORATORY, N. Y. C.
P. L. No.

Ejemplos de estas polizas racistas son el genocidio perpetrado contra los indios, la esclavizacion de milliones de Africanos, el bombardeo inhumano del pueblo Indochino y la esterilzacion masiva de miles de mujeres Puertorriquenas.

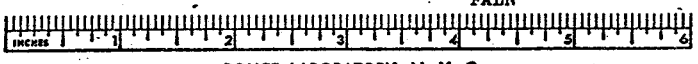
El racismo es manifestado en nuestras comunidades por la mala educacion, falta de adecuada atencion medica, bajos salarios, alto porcentaje de desempleo y la explotacion por los duenos de negocios y edificios.

Ya vemos que el racismo es una manifestacion del capitalismo que se puede eliminar solamente con la destrucion del sistema capitalista yanki.

Que este claro, por cada accion represiva tomada contra nuestras comunidades o contra independentistas la FALN respondera con violencia revolucionaria.

TITO, CLIFFORD, CLAUDE HEMOS VENGADO SUS MUERTES
INDEPENDENCIA INMEDIATA PARA PUERTO RICO
LIBERTAD PARA TODOS LOS PRESOS POLITICOA PUERTORRIQUENOS

COMANDO TOMAS LOPEZ DE VICTORIA
FALN



POLICE LABORATORY, N. Y. C.
P. L. No.
DATE

Comunique No.3 January 24, 1975

We, PALN, the Armed Forces of the Puerto Rican Nation take full responsibility for the especially detornated bomb that exploded today at Fraunces Tavern with reactionary corporate executives inside.

We did this in retaliation for the CIA ordered bomb that murdered Angel Luis Chavonnier and Eddie Ramos, two innocent young workers who suppoorted puerto Rican independence and the concienceless maiming of ten innocent persons and one beautiful Puerto Rican child six years old in a Mayaguez, Puerto Rico dining place on Saturday the eleventh of January of 1975.

The Yanki government is trying to terrorize and kill our people to intimidate us from seeking our rightful independence from colonialism. They do this in the same way as they did in Viet Nam, Guatemala, Chile, Argentina, Mexico, the Congo, Algeria and in many other places including the United States itself. But this CIA/Colby method will fail.

In our comunique number 2 we warned the North American Government that to terrorize and kill our people would mean retaliation by us. This was not an empty warning.

The bombs exploding in Puerto Rico and the United States in support of striking workers, in demand of the release of our political prisoners and our independence and to protest the Rockefeller - Kissinger visits, have avoided any injury to innocent people. The attacks on our people have been elevated vicious criminal brutality and murder of hungry hard working people. You have unleashed a storm from which you comfortable Yankis cannot escape.

Release OScar Callazo, Lolita Lebron, Rafael Cancel Miranda, Andres Figueroa Cordero, and Irving Flores.

FREEPUERTO Rico RIGHT NOW !

COMANDO GRISELIO TORRESOLA

POLICE LABORATORY, N. Y. C.

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

ARMED FORCES of PUERTO RICAN NATIONAL LIBERATION

April 2,1975 Communique #4

The FALN takes responsibility for the bombings of Yanki corporations in New York on April 2, 1975. These corporations are at the heart of Yanki imerialism. They are important decision makers in the planning of domestic and foreign policy and benefit from the exploitation and oppression of Puerto Rico and other third-world nations as well as the north american working-class.

While the working-class throughout the capitalist world suffers from recession and sinks deeper into poverty, the profits of these conglomerates continue to grow.

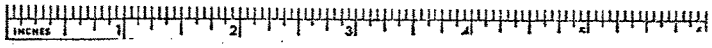
These actions are the continuation of an offensive aimed at gaining the independence of Puerto Rico and the release of five political prisoners, Lolita Lebron, Rafael Cancel Miranda, Andres Figueroa Cordero, Irving Flores, and Oscar Collazo.

We are especially concerned with the release right now of Figueroa Cordero who is dying of cancer. His death in prisom will result in grave consequences for the Yanki Capitalist class.

The bombing of the Anglers Club; an exclusive millionaires club that boasts of members like the Rockefellers, was a retalitory attack against that sector of the North American ruling-class which is directly responsible for the actions of the C.I.A. and for the wave of repression which is being murderously implemented in Puerto Rico.

Our attack on January 24,1975 was not in anyway directed against working-class people or innocent North Americans. The targets of our attack were bankers, stock brokers, and important corporate executives of monopolies and multi-national corporations. These are not friends of the working people. But the enemies of humanity everywhere.

The bomb attack in Mayaguez, Puerto Rico was the most vicious of the 160 acts of C.I.A. terror in the last two years against the Puerto Rican people. The enemy has to resort to fascist terror because the contradictions in colonial Puerto Rico are being unmasked so rapidly that the only way they believe they can control the people is by instilling fear by the use of force.

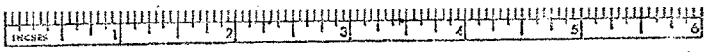


To the FALN the issue is very clear; at no time can we allow an attack by the enemy upon our people to go unanswered. Fascist terror is met with revolutionary violence.

FREE PUERTO RICO NOW !

Release the five Puerto Rican political prisoners in Yanki jails !

COMANDO CENTRAL FALN



POLICE LABORATORY, N. Y. C.
P. L. No.
DATE

COMMUNQUE NO. 5

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
ARMED FORCES OF NATIONAL LIBERATION

On Saturday June 14, 1975, thousands of Puerto Ricans will be marching in the Puerto Rican Day Parade on state street. They will be protesting against poor education, bad housing, racism, police brutality, unemployment. In essence against the exploitation that they are subjected to on an every day basis.

In solidarity with the protest contingency we have undertaken the following bombings of Yanki imperialist institutions; the United America Bank, First National Bank, and the United States Federal Building which houses various agencies of repression, ex. CIA, FBI, LEAA. Also, the Department of Immigration, which at this time is trying to blame the failing economic system on our chicano brothers and sisters. This agency is responsible for the massive deportation and repressive actions against our chicano and mexican workers.

These actions also demonstrate to the United States Government that the mobile guerrilla units of the FALN can hit anywhere inthe United States.

Once again, we demand the immediate release of the four NATIONALIST PRISONERS being held in yanki jails, and the unconditional independance of PUERTO RICO.

We also wantto express our solidarity with the victorious people of VIETNAM, CAMBODIA, and LAOS. Their victory is our victory!

FREE PUERTO RICO NOW
FREE ALL POLITICAL PRISONERS

FALN CENTRAL COMMAND

NOV-02-1999 13:18 FBI CHICAGO P.15/56

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
Armed Forces Of Puerto Rican National Liberation

COMMUNIQUE # 6. Oct. 27, 1975

Today, armed units of the FALN commemorate the 25th Anniversary of the October 30, 1950 revolution in Puerto Rico against yanki domination and marks the first anniversary of our existence as an organization, by launching a simultaniously coordinated attack against Yanki government and monopoly capitalist institutions in New York, Washington D.C., Chicago, and Puerto Rico.

We demand the immediate independence of Puerto Rico and the unconditional release of the five Puerto Rican Nationalist prisoners; Oscar Collazo, Lolita Lebron, Rafael Cancel Miranda, Andres Figueroa Cordero, and Irving Flores, as well as other Puerto Rican Political Prisoners in Yanki colonial and neo-colonial prisons.

We extend our friendship and solidarity to the United States working class, our allies in the struggle against Yanki facism, who like Puerto Rican workers are being pushed out of work and forced to the unemployment lines while Yanki corporations, and especially the banks, are making billions in profits. While the rich and their puppets in government eat and drink well off the sweat of workers, more and more people are being pushed into the unemployment lines.

We also wish to draw attention to the just cause of the panamanian people who wish to recover their canal zone. We express our unconditional support for them in the realization that the removal of the Yanki colonialists from the area is just as important as our national independence. Should the Panamanian people be forced to resort to arms, the FALN will give them whatever support is necessary.

The FALN welcomes the support given the Puerto Rican National liberation struggle at the solidarity conference in Cuba and the meeting of Non-aligned nations in Peru in September.

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e especially acknowl ge the moral support give to our organization by the Cuban people and go rnment in a speech made b Prime Minister Fidel astro in August in which he said that the Cuban government would do all t could to support the FALN. Although we have acquiredeeverything we nee t this time from our own efforts, as the struggle intensifies and the nee increase, we may have to claim concrete expression of such support, not onl from the revolutionary government of Cuba, but from all supporters of Puer ican independence.

These developments, combined with the recent victory of the Puert ican cause at the United Nations where the Yanki gorillas were forced to expose their claws to the world by resorting to facist arm twisting of the own allies in order to prevent a committee discussion of the case of Puert Rico, reaffirms our position:

Only a protracted, organized armed struggle can force the Yanki invaders out of Puerto Rico.

At a time when our cause is rooted in the international community the imperialists are undergoing a political and economic crisis in the U.S and elsewhere, and our historical legacy of struggle is given living proof by the existence of the FALN and the political prisoners. Any organizatio entering parliamentary politics within the colony is only surrendering to colonialist tactics.

The role of Vanguard and progressive organizations now in Puerto Rico is to organize the armed struggle, telescope the contradictions and establish the Peoples' Army of National Liberation.

We wish to extend our solidarity with all the organizations wagir armed struggle within the U.S. against yanki imperialism abroad and capit list exploitation of the North American working class. We support the definition of a single working class to which everyone living in the United States and working within it belong, despite cultural and ethnic differen which actually enrich your country.

Finally, we send our warmest and most affectionate greetings to the freedom fighters of our Latin American homeland from Argentina's Tier del Fuego to the South, to Mexico in the north where the struggle continu to end facist oligarchies and their Yanki masters, and who are creating t many Viet-Nams necessary for the total destruction of imperialism and the victory of democracy, justice, and equality.

Independence for Puerto Rico, now!

Free the Puerto Rican Political prisoners!

F.A.L.N., Central Command

NOV-02-1999 13:19 FBI CHICAGO P.17/56

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

ARMED FORCES OF NATIONAL LIBERATION

COMMUNIQUE# 7 JUNE 25, 1976

Armed commando units of the F.A.L.N., take responsibility for the dynamite attacks against yanki monopoly capitalist and repress: institutions in the SOUTH BRONX and MANHATTAN. Faced with the developm: of a growing revolutionary national liberation movement, the imperiali: wish to "legitimize" their subjugation and exploitation of the Puerto-Rican people by holding an economic summit conference on June 27-28, with seven major capitalist countries(U.S.,Great Britain,France, Italy, West Germany, Japan). The presence in Puerto rico of these former and present colonialists should be with the most militant demonstrations possible. Work stoppages, organized street fighting against the agents of repression, and sabotage of govt. and military installations should be the order of the day. All attempts by the yanki enemy to consolidat: it's control over Puerto Rico must be met by the organized armed resistance of the people. To fall into the electoral trap or enter into negotiations with the colonail govt. at a time when the seed for revolution is sprouting in Puerto Rico is defeatist and counter-revolutionary. For this reason we support the recently formed REVOLUTIONLY ANTI-ELECTORAL FRONT,composed of the Liga Socialista, Partido Comunista Puertorriqueña, Movimiento Socialista Popular, and Partido Nacionalista. Once again we make our demands; FREEDOM FOR PUERTO RICO AND THE UNCONDITIONAL RELEASE OF OUR POLITICAL PRISONERS.

This attack is also in militant solidarity with the North-American working-class, especially in the South Bronx, which is bearin

the full brunt of the parasitic capitalists drive for greater profits and consolidation of capital.

To our comrades in SOUTH AFRICA, RHODESIA, and NAMIBIA, we send our solidarity. VICTORY WILL BE YOURS.

To our sisters and brothers in LATIN AMERICA with whom we share the vision of the continental struggle we send our love and committment to create in PUERTO RICO one of the many VIET-NAMS which CHE so clearly saw and predicted as necessary for the liberation of the AMERICA'S.

F.A.L.N. CENTRAL COMMAND.

de LIBERACION NACIONAL PUERTORRIQUEÑA

ARMED FORCES OF NATIONAL LIBERATION

COMMUNIQUE NO.8 JULY 12, 1976

Today July 12, the armed commando unit Andre Figueroa Cordero of the F.A.L.N., detonated 12 incendiary bombs in the Herald Square area near Madison Square Garden in manhattan. This is in protest of the presence of 22 colonial leaches attending a national convention of one of the ruling parties in the U.S.

These parasites have made it their lifetime mission to perpetuate the economic and political enslavement of the PUERTO RICAN people. The cost of this enslavement is the loss of millions of dollars to the PUERTO RICAN worker in the form of capitalist exploitation, which goes to subsidize the profit of U.S. corporations. Whenever the PUERTO RICAN people protest this exploitation and demand independence, they are answered with bullets and death.

We demand our unconditional independence now and the immediate release of our five political prisoners: LOLITA LEBRON, ANDRE FIGUEROA CORDERO, IRVING FLORES, RAFAEL CANCEL MIRANDA, and OSCAR COLLADO. We again call your attention to the very poor health of ANDRE FIGUEROA CORDERO who is dying of cancer and who has been operated on three times. His death in prison will result in the severest retaliation against the Yankee imperialist and their administrators.

WE OPPOSE COLONIAL ELECTIONS!

FREEPUERTO RICO!

FREEDOM! LIVE PUERTO RICAN NATIONALIST PRISONERS!

COMMANDO UNIT ANDRE FIGUEROA CORDERO

COMMUNIQUE

A TRIBUTE TO DON PEDRO ALBIZU CAMPOS

Since June of 1976, we have launched an offensive to dramatize the strangulation of the Puerto Rican people in the island as well as in the U. S. by the yoke of Yanki Imperialism. Puerto Rico suffers the highest degree of exploitation and oppression of any country in the Western Hemishere. A classical example of this is the imprisonment of our five nationalists patriots whose only crime was a desire and commitment to see our country free. Lolita Lebron, Rafael Cancel Miranda, Irving Flores, Oscar Collazo and Andres Figueroa Cordero together have served over one hundred years in prison. The latter has cancer and his chances of living are very dim. Even under these conditions, he remains a prisoner while killers, rapists, andothers who are also common criminals, like Richard Nixon are allowed to go free. THIS IS A GROSS INJUSTICE!

Our offensive is not directed at the American people (the workers, the farmer, the native Americans and other third world people), but rather at the ruling class and their institutions. The North American worker, the Italian, the Afro-Americans, the Chicanos and the other third world people shared the same common oppressor and exploitor as the Puerto Rican people. Hence, our struggle and our attacks will always be against the ruling class and U. S. imperialists.

It has to be made clear that we will not limit our actions against the ruling class only, but we will castigate those elements who can be identified as enemies of the people, the lackeys and valets of U. S. imperialism in Puerto Rico and those opportunists who live off the poverty, drugs, prostitution and other calamities which people suffer in the Puerti Rican barrios.

Our struggle is for the independence of Puerto Rico, and for the freedom of the five nationalists. But we will not sit idle while there is oppression and exploitation of white workers, the poor,

the blacks, the women, or the last vestiges of racism. We seek justicesand we shall see that justice prevails.

Our actions tonight against the Holiday Inn, the office of the Commonwealth of Puerto Rico and other sites demonstrate once again our ability to hit the targets of U. S. imperialists and their allies.

For now let it be understood that a free and Socialist Puerto Rico, if necessary, will be written in red blood. The nation is courage and sacrifices. Puerto Rico belongs to the Puerto Ricans!

Free Puerto Rico now! Free the five nationalists now!

Comando Central.

[illegible]

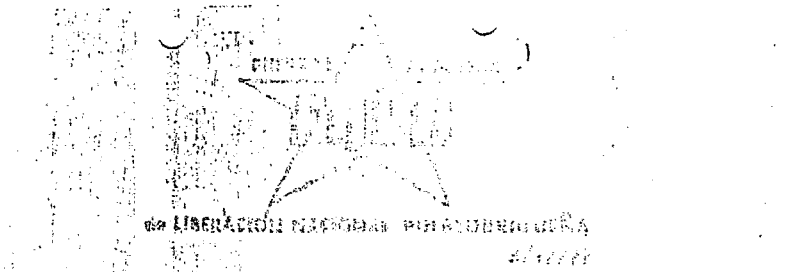
[illegible] corporations which have kept our people op[illegible] through [illegible] wages, inflationary standards of living, the [illegible] of men, women, and children, attempts to destroy our culture and language through forced assimilation. That all these jackals should be in one room discussing the colonial elections of this coming November only reinforces our resolve to struggle for the independence of Puerto Rico until our colonized nation finally reaches it's triu[illegible]

As Hernandez Colon reassures capitalist corportions that their investment in Puerto Rico will face no political complications. We, the F.A.L.N. assure the yanqui imperialists that neither thei lives nor their property , nor their investments will be safe unt we obtain the freedom for our country. The honorable nationalist leader, Pedro Albizu Campos, whose 85th birthday was on Sept. 12, fought for the independence of Puerto Rico to the end of his life He opposed colonial elections, for he knew that they served only to reinforce yanqui control of our people. We also oppose colonia electoral process, for we believe that its purpose is to stop our struggle and to focus the indepence movement on working within their system. A system which can never be used to obtain freedo from colonial bondage.

In bombing the New York Hilton, we strike against one of the corporations mos t most responsible for yanqui colonialism in our country. Our action today also is in remembrance of Pedro Albizu Campos's birthday and September 23, the 108th anniversary of our First revolution against Spanish colonialism. We also wish to communicate our profound sorrow on the death of CHAIRMAN MAO TSE-TUNG who's teaching has inspired the entire F.A.L.N. every step o the way.

FREE THE NATIONALIST PRISONERS!
INDEPENDENSE FOR PUERTO RICO NOW!
OPPOSE ELECTOAL OPPORTUNISM IN PUERTO RICO!

F.A.L.N.
CENTAL COMMAND



The FALN assumes full responsibility for the armed actions [illegible] today. Our actions are part of the offensive unleashed by [illegible] further the cause of independence for Puerto Rico and the immediate freedom of the five Nationalist political prisoners: Oscar Collazo, Irving Flores, R.G. Miranda, Lolita Lebron, and Andres Figueroa Cordero.

Furthermore, we want to demonstrate through our actions that the Yanki Imperialist's attempt at assimilating and annihilating the Puerto Rican Nation, as is the case of the Gerald Ford's proposal to make Puerto Rico a state of the Union, is not going to be taken sit down by the liberation forces. Any attempt to suppress the Puerto Liberation Movement by the Imperialist forces, the F.B.I., and the Carter Administration shall be met with revolutionary violence.

Also, since the Carter Administration is committed to the cau of political prisoners and the right of dissidents in Russia & othe countries in Eastern Europe, we ask him to clean his house first by granting the unconditional freedom to the five Puerto Rican Nationalists, who are the longest encarcerated political prisoners in the Western Hemisphere. We also ask the Carter Administration to conde political repression and assassinations in Latin America and Africa.

1. Free Puerto Rico Now.
2. Free the Five Nationalists Political Prisoners.
3. Stop The F.B.I.'s Harrassment Of The Puerto Rican People.
4. Stop The Illegal Use Of The Grand Jury.

NOV-02-1999 13:21 FBI CHICAGO

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA
Armed Forces of National Liberation

March 20,1977

Today the F.A.L.N. takes the full responsibility for the two armed actions that have been taken against he F.B.I. and the American Bank Note Company. Two Symbols of Yanki repression and exploitation. We whole heartedly protest the use of the Federal Grand Jury against the Puerto Rican Independence Movement. We also protest the use of the Federal Grand Jury here in New York, Chicago, and it's future use in the different parts of the United States. For the purpose of trying to stop other third world and progressive movements from voicing opposition to Yanki Imperialism.

The American Bank Note Company for being one of the chief administrator's in the exploitation of the World's Working Class. For printing the stocks and bonds that decide which families will eat and live well and which one's will starve and die. This company is also the printer of the currency of Several Latin American countries, Mexico and Guatemala being two of them. This company has the economic power to control the flow of currency in all Latin American countries. Giving absolute unileteral monetary control to American Corporations.

We again call for the unconditional release of our political prisoners that are being held in Yanki and Colonial prisons. Especial the release of the Five Nationalist Prisoners who are the longest held political prisoners in the Western Hemisphere. One of the Nationalist has terminal cancer and if he dies in prison, his death will bring serious reprecussions upon the ruling class. That prisoner is Andre Fiqueroa Cordero. The Puerto Rican hero is being denied the Human Ri to die in dignity. He's being denied the right to spend his last day with his family and people. We will keep fighting for their release. No matter what the consequences are to us.

FALN
Central Command

April 9th, 1977

Today's actions marks our determined efforts to free o
homeland from the control of Yanki Imperialists, and the attempted
ploitation of our natural resources. At no time will we let any co
ration or the colonial government of Puerto Rico attempt to mine ou
natural resources. This also includes any off-shore drilling for p
leum. These natural resources belong to the Puerto Rican People an
nobody else.

Since last year the Yanki government has been using gr
jury process to stop the growth of the Puerto Rican Independance mo
ment. These efforts by the government will prove futile because hi
rically it is time for our government to progress no matter what th
con sequences are to anybody. We have learned that the Yanki gover
has taken our warning about the release of the Five Nationalist as
empty threat. These are not empty threats and our actions prove th
any one of the Five Nationalist dies in jail, there are going to be
ous repercussions. Until this moment the Yanki government knows th
do not issue empty threats. Andres Figueroa Cordero has to be rele
immediately or his death in jail will bring a serious blow upon the
of the imperialists.

FREE ALL POLITICAL PRISONERS.
FREE PUERTO RICO NOW.

FALN
Central Comma

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

Armed Forces Of National Liberation

Our Actions today are part of our Campaign to dramat
nd to intensify our just struggle for the Independence of Puerto Ric
he unconditional freedom of the five Puerto Rican Nationalist; Lolit
Sebron, Rafael Cancel Miranda, Oscar Collazo, Irvin Flores, Andres Fi
ordero.

We have chosen these multi-national corporations as
rrgets because they best characterize & represent Yanki Imperialism.
These corporations are using under handed and barbaric tactics to ex
& exploit our natural resources; especially land & off-shore petrole
inerals such as copper & nickel.

These corporations, which are part of Yanki Imperial
are the causeof problems of the Puerto Rican people on the Island &
the United States; since they are the ones that strangulate us with t
colonial yoke.

This time it is just a warning. But if these corpo
continue to carry their plan to exploit our natural resources, we wi
guarantee that for each dollar that is extracted from Puerto Rico,
cause them 2,000 dollars in losses & damages.

Since the colonial case of Puerto Rico is to be dis
soon at the United Nations, we seize this opportunity to demonstrate
the world that the Puerto Rican Independence Movement is willing to
crafice Everything in order to achieve the Independence of Puerto Ri

We also grasp this moment to warn local officials t
oppressing, incarcerating, exploiting, & Killing Puerto Ricans and o
oppressed minorities. We cite a recent case involving the New York
blackout, where over 4,000 people were hauled into jails. We also
to Chicago where 3 people were assasinated & hundreds arrested duri
Puerto Rican Day Parade celebrations. If the professional politici
the police continue their actions, we will strike them as hard as t
never been struck before.

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FREE THE FIVE PUERTO RICAN NATIONALIST PRISONERS.
INDEPENDENCE FOR PUERTO RICO NOW.
END TO GRAND JURY ABUSE.
VICTORY TO THE PALESTINIAN STRUGGLE.

FALN
CENTRAL COMMAND

We the members of the FALN are today engaged in a war of nerves. This war is being conducted against yanki-imperialism and all of it's different forms. Today's political-military actions, shows the United Discipline and strength of our organization in fighting yanki-imperialism.

Like in the past, we attack those institutions of international capitalism that succumb to the orders, pressures, and will of the yanki-imperialists, and their allies. Such a country is Australia, that while following the orders of the United States, understandably manipulated the decision of the de-colonization Committee. By using threats and blackmail, they defeated the Cuban resolution which sought the inalienable right of the Puerto Rican people to self-determination and independence.

We interpret such actions as part of the international conspiracy which the yanki-imperialist are using to suppress and to annihilate those who struggle for their freedom, emancipation, liberation, and self-determination. Whether it is in Africa, the Middle East, Latin America, or Southeast Asia. Our response to such actions such as the one of Australia's is revolutionary violence.

The action of which we approve of was the elimination of Allan Mandall. This lackey was conspiring with the illegal Government of Puerto Rico, P.N.P., and the C.I.A., to annihilate the Puerto Rican Independence movement. This conspiracy was crushed by the revolutionary forces of Puerto Rico. This is just an example of what will happen to the reactionary forces, if any further attempts are made against the independence movement. Our revolutionary congratulations to those who made Allan Mandall's removal possible.

We also take this occasion to welcome our brother in struggle Andres Figueroa Cordero. Who was released not because he was close to death, but, because of the international political implications. Like always we demand the immediate Release of all the remaining Nationalist Prisoners. If any of them die in jail, the repercussions will be very severe to the United States Government and their ruling class.

FALN-CENTRAL COMMAND

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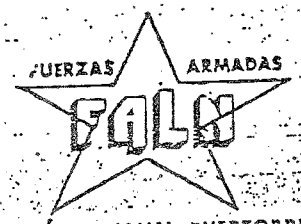
[illegible]
[illegible]



FUERZAS ARMADAS DE LIBERACIÓN NACIONAL PUERTORRIQUEÑA

Tonight we actions were carried out several reasons. First, to show t
support and our solidarity with the striking workers of the UNION
de TRABAJADORES de la INDUSTRIA ELECTRICA Y RIEGO), in their struggle
achieve their just demands. The anti - labor position of the AFF was
fought. to maintain the financial viability of the AFF bonds, the e
ductions must be gurenteed by the AFF administration and the colon
government, that the wages of the workers will be raised. As this co
into the profit of the bond holders. While the AFF management denie
the workers their just demand, the AFF puts their principles for repra
into action: the hiring of goon squads to intimidate the strikers, the
to use the national guard. These actions were put effect before the
was even called. While the AFF refuses to increase salaries, their of
YANKEE CORPORATIONS special low rates that sometimes fall below produ
cost. He has to pay for this non other the workers of puerto rico.
Secondly we want to inform the UNITED STATES GOVERNMENT that we hold
responsible for the death of JUAN RAFAEL CABALLERO SANTANA one the
organizers of the UNION DE TRON.UNITES. We wish to point out that all
of MR. CABALLERO was carried out by members of the p.r. police death
this will not distract our attention from those upon whose shoulders
the responsibility of the act. We also want to express our outrages o
the arrest of UNION DE TRON.UNITES members, solely on the word of an
accused murder of CIA agent ALAN RANDALL. These union members are also
associates of murdered union organizer JUAN RAFAEL CABALLERO SANTANA.
Whose acts of repression will not go unanswered. ANY MORE ATTACKS O
ON MEMBERS OF SUPPORTERS OF PUERTO RICAN INDEP. MOVEMENT AND MEMBERS OF
PASOC MOVEMENT WILL ANSWERED BY ARMED REVOLUTIONARY VIOLENCE.

FALN CENTRAL COMMAND

FREE PUERTO RICO
FREE THE FOUR NATIONALIST PRISONERS
WILLIE LEBRON, RAFEAL CANCEL MIRANDA, OSCAR COCALO, IRVING FLORES
FREE ALL POLITICAL PRISONERS
STOP GRAND JURY ABUSE
DEATH TO SOMOZA
VIVA EL MOVIMIENTO DE LIBERACION DE NICARAGUA.

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

ARMED FORCES OF NATIONAL LIBERATION OF PUERTO RICO

Tonight F.A.L.N. commandos launched an armed attack to condemn and focus at tion on the United States Government's criminal negligence of perpetuating exploitation of poor women and children who are forced into prostitution an other sexually exploitive activities. The government of the United States i criminal in that it knowingly refuses to enact the policies that can reverse the conditions which lead poor women and children to prostitution. It is cl that the first step towards solving the crisis facing the poor is full empl ent. It is also clear that the capitalist corporations running Puerto Rico the United States will never allow for full employment, as that would throw their leverage in controlling the working class, in keeping wages, benefits standards down. As long as unemployment exist, thus high competition for jobs, the corporate owners can maintain the threat of unemployment over the heads of the workers. Poor people are condemned and exploited rather they s rive themselves in prostitution or not. They are condemn for being poor, & they are condemn for being unemployed even if there are no jobs. For those turn to prostitution they face exploitation at all levels: abuse by police, insults from politicians (more often during an election year), dehumanize and degradation by the nature of the work they do. Those responsible for th the corporations, must answers for their actions. The corporations are resp sible for the unemployment and misery of all poor people. They are responsi for the frustration, the repression suffered at the hands of the police, f corrupt environment union all poor people must grow and live. Those workers unate enough to stay employed must work long and hard hours to be able to ends meet. They must suffer the frustration of every exploited person who s ized the nature of their exploitation. We also want to take this opportuni y to repeat our support for the striking electrical workers of the Union T rabajadores Industria Electrica y Riego de Puerto Rico (U.T.I.E.R.) . The st kes on and yet the colonial government of Puerto Rico resists the strike y every means possible" to condemn the colonial government for its anti-wo kition and police state repressive tactics. While the colonial police and own innocent strikers the puppet governor Carrero, travels to the United St o reassure his masters that there is nothing to worry about. While the col al police attack the innocent the colonial governor is here accusing the st ers of being criminals. We reaffirm that we will fight and resist any effo y the United States government to annihilate the Puerto Rican liberation nd labor movement and assimilate the Puerto Rican Nation.

[illegible]

[illegible] NATIONALIST PRISO[illegible] LITE[illegible]

[illegible] JULY [illegible]

[illegible] FRONT OF [illegible]

[illegible] OUT OF [illegible], [illegible] A UNITED A[illegible] [illegible]

COMUNICADO PARA EL PUEBLO PUERTORRIQUEÑO Y LOS DEMAS GRUPOS PROGRESISTAS-CHICANOS-MEXICANOS, AFROAMERICANOS, Y NORTEAMERICANOS.

Nosotros tomamos responsabilidad por las acciones que se llevaran acabo hoy. Queremos reafirmar que nuestra lucha continuara y sera capaz de enfrentar y destruir victoriosamente los meconismos de poder de la clase dominate.

Seguiremos llevando acabo esta clase de lucha hasta que:

1. LA NACION PUERTORRIQUEÑA SEA LIBRE.
2. LOS CUATROS HEROES Nacionalistas sean libres.
3. Pare la explotacion de toda persona del tercer mundo.
4. ROMERO BARCELO Y TODOS LOS IGUALES A EL - TITERES DEL IMPERIALISMO YANKI- SEAN DESTRUIDOS.
5. Paren los ataques VICIOSOS Y CRIMINALES POLICIACOS EN NUESTRA COMUNIDAD.

L I B E R T A D P A R A L O S C U A T R O !

V I V A P U E R T O R I C O L I B R E !

NOV-02-1999 13:24 FBI CHICAGO

The following is a translation of the preceding unnumbered FALN communique by Special Agent (SA) SAMUEL C. MARTINEZ:

Communique from the Puerto Rican people and other progressive groups, Mexican-Chicano, Afro-American and North American.

We are taking responsibility for the activities that will take place today. We want to reaffirm that our struggle will continue and will be capable of confronting and destroying victoriously the mechanics of power of the ruling class.

-We will continue with the struggle until:

1. The Puerto Rican Nation is free;

2. The four nationalist heroes are free;

3. Exploitation of third world is stopped;

4. ROMARO BARCELLO and all those similar to him, puppets of Yankee imperialism, are destroyed;

5. All the criminal police activities are stopped

FREEDOM FOR THE FOUR; LONG LIVE FREE PUERTO RICO.

FUERZAS ARMADAS

FALN

de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

Ayer las FUERZAS ARMADAS de LIBERACION NACIONAL PUERTORRIQUEÑAllevamos a c
otro ataque contra los enemigos del pueblo Puertorriqueño y enemigos del m
miento Independentista. Este ataque armado contra la propiedad de las corp
ciones Norte Americana multi-nacionales y el ejercito Norte Americano, cons
tuye la continuacion de nuestra lucha para la Independencia de Puerto Rico.
Nuestro ataque contra la propiedad del ejercito Norte Americano representa
parte una represalia contra la Marina de los Estados Unidos. Sus continuo
Bardeos de la Isla de Vieques representa un acto de agresion, y va en cont
de la seguridad, deseos e intereses de todo habitante de Vieques y del Pue
Puertorriqueño. Mientras los politiqueros y alcahuetes coloniales,como el
Romero Barcelo, denuncian el justo instrumento del Pueblo : LA LUCHA ARMADA
REVOLUCIONARIA , los traidores no se molestan en denunciar o cesar la violé
perpetrada contra nuestro Pueblo. Ejemplos de la violencia contra nuestro
Pueblo son: el bombardeo de Vieques, la esterilizacion del 35 % de las muje
res Puertorriqueña, el desempleo del 50 % del Pueblo Puertorriqueno, atrop
contra los trabajadores en huelga, asesinatos a manos de los escuadrones de
muerte policiacos. Todos estos actos son actos de violencia en contra de
nuestro Pueblo. Pero eso no lo denuncian los titeres del colonialismo.

Nuestro ataque contra la propiedad de las Corporaciones Norte Americanas se
lleva a cabo porque las empresas han sido y continuan a ser los enemigos m
del pueblo Puertorriqueño. Las corporaciones multi Nacionales avanzan su co
racion anexionsta (estadidad) usando como su titere principal a Romero Barc
La estadidad va en contra del mejor interes del pueblo Puertorriqueno . Las
Corporaciones le han sacado el jugo al pueblo trabajador Puertorriqueno.
Ahora le quieren robar los recursos naturales, las riquesas del Pueblo, co
Cobre y el petroleo. La estadidad le facilita a las corporaciones el robo
todo nuestros recursos naturales. La estadidad elimina el derecho de nuesc
soberania Nacional, y nos condena como pueblo, a una existencia perpetua de
explotacion peor de la que ya existe en Puerto Rico.
Continuaremos nuestros ataques contra las corporaciones Norte Americana mul
Nacionales, contra el ejercito Norte Americano y contra el Gobierno de los
Estados Unidos hasta el dia en que el Pueblo Puertorriqueño tome su Indepe
cia. Queremos expresarle al Pueblo que este Julio 25,1978 no debe de signi
un dia de celebracion, si no un dia de protesta. Recordemos que en ese dia
el 25 de Julio del 1898 el ejercito de los Estados unidos invadio a Puerto
y asumio todo poder de nuestra Isla sin el consentimiento de nuestro Pueblo

Queremos expresar nuestra solidaridad con los Com-Patriotas NYDIA CUEVAS RI
Y PABLO MANCANO GARCIA, que llevaron a cabo su heroico acto Revolucionario
el Consul Chileno el 3 y 4 de Julio 1978 en Puerto Rico.

VIVA PUERTO RICO LIBRE
LIBERTAD PARA LOS PRESOS POLITICOS:LOLITA LEBRON,RAFAEL CANCEL MIRANDA, IRV
FLORES, OSCAR COLLAZO

FIN A LA REPRESION DEL GRAN JURADO
MARINA FUERA DE VIEQUES Y TODO PUERTO RICO

Comando Central

Yesterday we the ARMED FORCES OF NATIONAL LIBERATION carried out another against the enemies of the Puerto Rican People and the enemies of the Ind ce movement. This armed attack against the property of the North American rations and the United States military, constitutes the continuation of struggle for the Independence of Puerto Rico. Our attack against the prop of the U.S. military represents in part a reprisal against the U.S. Navy. Navy's continuous bombardment of the Island of Vieques represents an act o sion and violates the security, wishes and interest of the people of Vie and all of Puerto Rico. The colonial politicians and stooges denounce the instrument of the people: REVOLUTIONARY ARMED STRUGGLE; meanwhile they ig to denounce and stop the violence perpetrated against our people. Example violence against our people are: the bombardment of Vieques, the sterili of 35 % of Puerto Rican Women, an unemployment rate of 60 % of the people Puerto Rico, terrorizing the striking workers, assassination at the hands police death squads. All these acts of violence perpetrated against our p are ignored by the colonial puppets.

Our attacks against the North American multi National corporations come a because they are now and have always been the major enemies of the Puerto people. These Corporations advance their annexationist (statehood) scheme as their main mouthpiece the traitor : Gov. Romero Barcelo. Statehood go against the interest of the people. The corporations have squeezed the Pu Rican workers dry. The corporations now want to steal our Natural Resourc the wealth of our Nation, the Copper and the Oil. Statehood facilitates t theft and exploitation of these resources. Statehood denies us our right sovereignty as a nation, and condemns us to a perpetual existence of expl porst than that which we experience today.

We will continue to wage our just struggle against the North American mul National Corporations, against the U.S. military and against the Governme the United States, until the people of Puerto Rico achieve Independence.

This July 25,1978 should not be a day of celebration, but rather a day of test . For it was on this day in 1898 that the military forces of the U.S. vaded Puerto Rico, and assumed control of the Island regardless of the wi of the people.

We wish to express our solidarity with our Compatriots: NYDIA CUEVAS RIVE PABLO MARCANO GARCIA who carried out the heroic revolutionary act in the Chilean Consul on July 3 & 4,1978 in Puerto Rico.

FREE PUERTO RICO

FREEDOM FOR THE FOUR NATIONALIST POLITICAL PRISONERS: LOLITA LEBRON, RAFA CANCEL MIRANDA, IRVING FLORES, OSCAR COLLAZO

STOP GRAND JURY ABUSE

U.S.MILITARY OUT OF VIEQUES AND ALL OF PUERTO RICO

Comando Central

2. FALN Documents Found in the Chicago "Bomb Factory"

The following is a copy of a document entitled "Posicion Politica" that was recovered in the FALN "bomb factory" building discovered in Chicago, Illinois, on November 3, 1976 (an English translation of this document can be found in Chapter 2, Section "A", Organizational Setup):

POSICIÓN POLÍTICA

base de organización:

1. La mobilización de todas las fuerzas patrioticas hacia la lucha armada, sobre base minima de independencia nacional y la libertad de todos los presos políticos puertorriqueños.
2. La iniciación de un frente amplio de lucha armada sobre bases de organización política fundada en la propia organización armada.
3. La prioridad de la lucha armada en Puerto Rico sobre la lucha armada en los estados unidos (primer frente sobre segundo frente).
4. El desarrollo de la lucha armada en retaguardia a lo largo de los estados unidos sobre principios internacionalistas de organización, los cuales incluyen la participación activa del pueblo norteamericano en la lucha armada por la independencia de Puerto Rico.
5. El desarrollo de una política comun, una estratégia militar conjunta, la aplicación del principio de autonomia táctica en ambo

frentes, y la creación de un comando central unido representativo de ambos frentes.

base ideologica:

6. La dirección de la lucha armada y política sobre el principio marxista-leninista del frente amplio de todos los sectores populares dispuestos a la lucha armada de inmediato.

7. La aglutinación de fuerzas basandose en el principio de la coordinacion del trabajo politico y el trabajo militar dirigido por un partido compuesto de combatientes asignados a diversas tareas.

8. La aplicacion del principio del debate ideologico interno, el estudio de la ideologia marxista leninista, y el uso de crítica-auto crítica.

9. La implementación de la posición ideologica Stalinista sobre "la nacion" a la realidad norte-americana.

10. La aplicación del principio de la prioridad de la lucha por la independencia de Puerto Rico sobre toda cuestión de solidaridad internacional y la reclamación de apoyo concreto a nuestra lucha armada como prioridad en la lucha internacional contra el colonialism

base de diciplina interna y externa:

11. La subordinación de la minoria a la mayoria, del individuo a la colectividad.

-3-

12. La dirección centralizada sobre base de un comando supremo político-militar compuesto de los dos frentes.

13. La autonomía de los respectivos frentes de lucha, subordinados a sus propios comandos centrales.

14. La autonomía de las regiones de lucha dentro de cada frente, subordinados a sus propios comandos regionales.

15. La aplicación de un código de conducta y seguridad que contenga los elementos de ajusticiamiento interno y externo, relativo al crimen o violación.

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A. trasfondo de lucha:

La crisis economica y política actual es la peor por la cual a pas Puerto Rico desde la re-estructuración de la colonia en el 1940-42. presente crisis, sin embargo, se monta sobre la realidad de un puebl predominantemente proletario, superiormente organizado y combativo, y mas a la merced a la fluctuación de las operaciones capitalistas c aquel pueblo agrario y desorganizado de la epoca triste del 1930, o la epoca de industrializacion del 1950.

Al igual, la conciencia obrera y revolucionaria de hoy, el fallído del experimento colonial del llamado "estado libre asociado" como método de resolución éntre colonialistas y colonizados en todos sus niveles, hacen de la presente crisis el momento histórico en el cual creciente lucha de clases puede desembocar en una revolución, o en una réforma colonial que reíncorpore las masas dentro de la polític colonialista. De hecho, las dos alternativas dependen de la calida de combatividad independentista que se desarrolle en los proximos d años.

Dentro de ésta realidad, el factor motorizante lo es el desarrollo una lucha armada dirigida por un partido cuya política mueva a los sectores independentistas a una confrontación con la institución co y logre la reorganización de estos sectores dentro de el clima absc de represión en un instrumento militar que logre la derrota de la burguesia nativa y sus fuerzas represivas y oblígue la intervención directa de el gobierno norte-americano en Puerto Rico a nivel masiv Una vez logrado este proposito, la lucha armada de nuestro pueblo lograra convertirse en un movimiento masivo dependiente de nuestra

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capacidad militar y política para poner en jaque las fuerzas enemiga mientras nuestros golpes en Puerto Rico y los estados unidos le caus tantas perdidas economicas, y la presion internacional se vuelca de tal manera que el yanki se retirara de Puerto Rico.

Ésta es la visión, pero sabemos que el proceso que lleva a los puebl a la lucha armada no es uniforme, ni tampoco sujeto a la minuciosa programación de un partido político.

De hecho, la realidad puertorriqueña refleja ésto en el numero de partidos y grupos aspirando a partidos que existen dentro del seno independentista. Al igual, en la presencia de varios grupos guerrill aspirando igualmente a la organización de un ejercito. Todo ésto en el momento critico cuando lo que se requiere es la mayor unidad y coordinación política y militar de los sectores que visualizan la lucha armada ahora como factor detornante de la lucha radical por la independencia patria.

El material humano existe, el material bélico se consigue, y la lucha solo espera nuestra capacidad para producirla.

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B. Método de Lucha:

La lucha armada es, hoy por hoy, el unico camino para lograr la independencia de Puerto Rico.

La lucha armada, sin embargo, no es producto de unos pocos decidido a atacar al enemigo, si no de la estructuración de un ejercito capaz dar combate efectivo al enemigo en múltiples puntos geográficos, sobrevivir y crecer hasta la derrota final del enemigo en el campo político.

No es posible dentro de la realidad esperar derrotar al enemigo en el campo armado. Esto nos impone, pues, la necesidad de lanzarnos a la lucha armada con miras hacia una victoria politica basandose en lo siguiente:

1. La mobilización de fuérzas militares y políticas sobre la base d un frente unido que refleje el pensamiento independentista puertorri

2. La iniciación de la lucha armada y su encaminación a niveles superiores de combatividad a cada paso.

La mobilización militar y política de todos los sectores independe sera producto de la elaboración de un plán de organización política siguiente a las operaciones militares. Tal plán identificará los sectores a organizar e incorporar dentro de la lucha armada, al igua que los mecanismos apropiados para la mobilización de los sectores d cooperación y apoyo dentro del movimiento independentista en gene

La iniciación de la lucha armada y su encaminación a niveles superiores de combatividad a cada paso es resultado de la organizaci

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C. Método de Organización:

Un ligero vistazo a la cantidad de las fuerzas enemigas a la dispo del gobierno colonial nos impresiona por su variedad, armamento y preparación. Por comparación nuestras fuerzas, aún cuando potencial númericas, carecen de preparación militar y armamentos.

Este desbalance, sin embargo, no debe amendrentarnos, puesto que simplemente refleja la realidad de hoy, la cual queremos cambiar.

Al igual, el territorio boricua aparentemente no ofrece el terreno adecuado para una guerra de guerrillas, rica en mobilidad y operacio tácticas. Pero ésto es tan solo una apariencia que resulta de nuest enfoque sobre modelos extrangeros. De hecho, Puerto Rico ofrece ric oportunidades para el genio nativo.

Su topografía se presta para emboscadas del enemigo, ya que la cordillera central ofrece amplios puntos de emplazamiento utilizable por una guerrilla mobil. La concentración del poderio gubernamental en unos pocos centros urbanos también ofrecen blancos excelentes. L vulnerabilidad del sistema de comunicaciones, transporte, industria producción reduce el número de efectivos militares nativos que se pu lanzar contra nosotros. Mientras que la intervención directa yanki la actualidad tendria repercuciones internacionales muy negativas pa la política mundial del gobierno yanki.

Sin embargo, nuestro punto principal de fuerza es nuestra capacidad de llevar a cabo una lucha retaguardista dentro del propio territori enemigo, el cual resultaría en grandes perdidas economicas y psícolog y amenazaria con desatar las frustraciones del pueblo obrero norte-

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americano, al igual que la ira de sus minorías. En fin, amenazaria co "de-estabilizar" el sistema yanki en su propio suelo.

La combinación estratégica de lucha en los dos frentes, conjuntament con la radical solidaridad internacional para nuestro pueblo en lucha, serían la llave de nuestra victoria.

Ante este planteamiento, la problemática principal gira alrededor de la organización de la ofensiva militar y política de las fuerzas patrioticas.

Estudiemos la organización militar.

El mero hecho de que ya existen unas fuerzas armadas de liberación nacional en lucha, convierte al sector militar independentista en su totalidad en el punto de enfoque de la represión yanki.

Es indiscutible que las fuerzas de represión buscan aniquilar las guerrillas antes de poder desatar una represión masiva de los sectores independentistas. Esto es así porque le hemos impuesto a ellos las condiciones de lucha.

Sus atentados terroristas contra el sector independentista están en jáque por el momento. Ellos practicarán arrestos pero no asesinatos en la actualidad, simplemente porque no acceptan el precio.

Su estratégia entonces es aniquilar la guerrilla. Al no lograrlo buscarán las formas de contenerla geograficamente; infiltrarla, fragm tarla, demoralizar los cuadros y neutralizarlos.

Si fallan en ésto, buscaran aislar las zonas de mayor actividad patriotica y concentraran en aniquilar los puntos debiles; arrestando y asesinando los cuadros de organización patriotica.

Todo ésto vale mantener presente ante la tarea de organización.

Nuestra organización va en camino desde su inicio nuclear, hasta la organización de un ejercito de liberación. O sea, desde la organiza elemental hasta la organización de todo un pueblo. No es debatible es el momento propicio para lanzarse a la lucha armada, puesto que l lucha armada ya comenzo y esta en desarrollo. El problema entonces el como sobrevivir desde la étapa nuclear hasta la creación del ejercito libertador.

En el camino de lo nuclear al ejercito habran cambios profundos er la organización. El liderato nuclear no esta necesariamente capaci para dirigir una lucha compleja. Surgiran nuevos líderes, cambiarán estructuras. Ante esta realidad los individuos deben ser flexibles prestos a acceptar sus limitaciones sin bochornos o individualismos Nadie nacio marxista leninista, nadie nacio jefe o general. Todos productos de la propia lucha y contribuimos a ella como se pueda.

El desarrollo de la organización en el presente requiere que las fuerzas nucleares practiquen la lucha armada en su forma de propaga armada.

La propaganda armada requiere operaciones exitosas con las cuale pueblo se pueda identificar, y las cuales sirvan de base para orga mas cuadros.

Para crecer en organización es necesario que el nucleo sobreviva l investigación y contra-ofensiva enemiga. Para lograr esto es necesa aplicar el principio de atacar y retirarse, incorporar los nuevos cu y atacar. Retirarse de nuevo e incorporar de nuevo, atacar y retira etc. A cada paso con mejores y mayores ofensivas. Pero recordar qu el atacar es solamente relativo al crecer y por eso hay que salvagua los cuadros y organizar los nuevos combatientes.

Logrado el exito de la aplicación de éstos principios, el proximo problema es el crecimiento geográfico de la lucha, o sea, la expansi geográfica de las zonas de combate a nuevas zonas.

Luego la unificación de todos los combatientes, tanto en Puerto Ri como en los Estados Unidos. Esto ultimo queda por lograrse.

Los puntos que deben gobernar la unificación de las fuerzas armada patrioticas en Puerto Rico y el territorio yanki son los siguientes:

1. La prioridad de la lucha armada en Puerto Rico sobre la lucha d retaguardia en los Estados Unidos.

2. La creación de un comando central unido representativo de ambos sectores.

3. El desarrollo de una politica comun que refleje la realidad de frentes y el acuerdo de autonomia táctica en ambos sectores de lucha

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D. Código de Disciplina y Organización:

1. Función Del Individuo:

a. cada individuo tiene que someterse a la diciplina de la organización.

b. todo individuo es responsable por cumplir tareas en su area d especialización y por las personas que tal individuo reclúte, hasta tanto tales personas pasen de sus manos a otros sectores de la organización.

c. todo individuo es responsable por conocer a cabalidad los met de operaciones de su comando, las técnicas de manufactura, y el gui de conducta.

d. todo individuo envuelto en operaciones militares o en las bas de apoyo a esas operaciones se mantendrá completamente "frio" y no participará en actos políticos publicos activamente.

2. Función de Celulas:

a. Cada célula es responsable de conducir reuniones frecuentes en las cuales sus cuadros discutirán las directivas, operaciones y política de la organización, al igual que los desarrollos políticos nacionales, internacionales y locales.

b. cada célula es responsable por el desarrollo tecnico y politic de sus miembros, administración de fondos y materiales, recoger inteligencia en su localidad y llevar a cabo operaciones militares.

c. Cada célula quedará representa

area) por uno de sus miembros, el cual será elejido por los miembros de la célula.

d. El numero de miembros en cada célula quedará determinado por sus miembros basandose en las necesidades locales (el tamaño del area de operaciones, población, etc.).

3. Función del Comando:

a. El comando quedará integrado por un miembro de cada célula en el conjunto de células en la región, o area de operaciones.

b. El comando es la unidad mayor regional de operaciones y será responsable por la coordinación de las operaciones militares y política en la región.

c. Todas las funciones del comando deben estar organizadas de tal forma que las células puedan operar independientemente si la situación asi lo requiere.

d. El comando es responsable por la dicíplina, el cumplimiento de funciones, documentación, ficheros, mantenimiento de bases fijas, fondos, administración, materiales bélicos, transportación, y el desarrollo geográfico de zona de la organización, al igual que por el sustento político y economico de los combatientes.

4. El Comando Central:

a. El Comando Central es el Ejercito Major y la comisión política de las fuerzas armadas. Su composición consiste de los comandantes de zona mas capaces de dar dirección política y militar a la lucha armada.

b. El Comando Central crece en composición de acuerdo al [illegible]

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de la organización militar. Su tarea es la elaboración de la polít planificación de la estrategia armada, la coordinación de tareas a nivel nacional e internacional, la plena representación de la organización, y el establecimiento de los medios economicos y logís para el sustento de la organización.

c. Todo miembro del Comando Central participará en aquellas oper ciones políticas y militares acordadas, y serán ejemplos vivo de militancia y corage.

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E. Algunas Observaciones Sobre disfrazes clandestinos:

Muchas leyendas orientales hablan sobre el disfraz como metodo efecti de escapar el descubrimiento por el enemigo. Mas lo curioso es que contrario al concepto popular sobre el disfraz, las leyendas nos enseña que su uso no es solo de vestimento, si no también de manerísmos y comportación.

Se dice que un operativo Japonés hace unos siglos atrás, logró frustr su descubrimiento por 17 años. Esto se debió a qué por ese tiempo se mantuvo disfrazado de un borachón, mientras sus enemigos le buscaban como Samurai (soldado).

Hoy por hoy, es necesario no solo éste disfraz, si no todo aquel que se preste a confundir y evadir al enemigo.

Es cierto lo que dicen algunos que por igual se puede confundir al amigo con cierto comportamiento, etc., pero los disfrazes son necesaric para los operativos importantes, y de los amigos se encargaran aquellos cuya labor política sea mobilizarlos.

La utilización del disfraz es tan esencial como el dominio de las tecnicas belicas y la preparacion politica del individuo. El presenta: como adicto a drogas, borrachón, oficinista, cura, burgués, etc. solo requiere que el que utiliza el disfraz sea capaz de convencer.

El disfraz es esencial en esta etapa nuclear, aúnque luego las mismas necesidades y actualidades cambien y ya no sea necesario. No debemos abochornarnos de su utilización efectiva.

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The following is a Spanish language Communique-like document and an English translation made by the FBI Laboratory, that was recovered in the Chicago FALN "bomb factory". (The document bears a resemblance to the ninth FALN Communique released on September 10, 1976 in Chicago):

B O L E T I N D E L PUU E B L O

EN CONMEMORACION A DON PEDRO ALBIZU CAMPOS

Desde el 12 de Junio, 1976, hemos lanzado una ofensiva para dramatizar el ultrajamiento del pueblo puertorriqueño, tanto en los Estados Unidos cómo en la Isla, por los imperialistas Yanki. Hoy día, Puerto Rico sufre el grado más alto de explotación y opresión en todo el hemisferio occidental bajo el YUGO COLONIAL de los Estados Unidos. Ejemplo clásico de esto son los cinco compañeros nacionalistas que continúan presos en las carceles federales por cometer el solo crimen de amar a la patria y quererla libre. Lolita Lebrón, Oscar Collazo, Irving Flores, Rafael Cancel Miranda y Andrés Figueroa Cordero, juntos han estado encarcelados por más de 100 años, bajo las condiciones mas dehumanisantes, víctimas del sistema de justicia yanki. Andrés tiene cancer y las probabilidades de que viva son mínimas, pero continúa preso. ¡Sin embargo, hay criminales cómo Richard Nixon y Compañía que andan libre y continúan cometiendo atrocidades y crimines! ¡Es una crasa injusticia el hecho de que haya cinco puertorriqueños presos, gente trabajadora y humilde que aman a la patria y por eso estan allí, mientras otros que se han destacado por el pillage, la opresión y explotación de la humanidad, están libres.

Nosotros, al igual que estos 5 compañeros, no somos criminales ni terroristas, sino más bien luchamos por la causa justa de la INDEPENDENCIA DE PUERTO RICO Y LA LIBERTAD PARA LOS NACIONALISTAS que son presos políticos. Buscamos la creación de una nueva nación donde prevalezca la justicia y el amor a toda la humanidad y en la cual se elimíne la explotación del hombre por el hombre, la drog-addicción, la prostitución, el alcoholismo y el egoismo humano.

Esta linea de conducta nos dicta que nuestros ataques sean dirigidos en contra de los imperialistas yanki - a la clase dominante que nos explota tanto en Puerto Rico cómo en los Estados Unidos. Y que no solamente explota a los puertorriqueños, sino que tambien explota a los obreros norteamericanos, a los afro-norteamericanos, los nativos (Indios), Chicanos y otros tercermundistas.

Mientras que Puerto Rico sea colonia de los Estados Unidos, y que se continúe la explotación de los puertorriqueños, nosotros lucharemos y continuaremos nuestras acciones porque entendemos que PUERTO RICO LIBRE, SI ES NECESARIO, SE ESCRIBE CON SANGRE.

Nosotros amamos la paz y al pueblo - a los trabajadores y a los oprimidos; pero no nos vamos a sentar con los brazos cruzados mientras los yanki traten de aniquilarnos cómo han hecho con los Nativos Americanos (Indios). Aunque hoy somos víctimas del colonialismo, la opresión y la explotación, la ignorancia porque se nos niega la oportunidad a una buena educación, las drogas, la brutalidad policiaca, la mala nutrición y hasta de incendios, ésta situación va a cambiar. Y cambiará porque rehusamos aceptar la teoría propagada por algunos compañeros, que alegan que atraves del reformismo liberal y la legalidad van a sacar a los colonialistas y opresores yanki de Puerto Rico. ¡Eso es demasiado útopico y romántico! Sí los yanki conquistaron a Puerto Rico bajo una invasión armada, vamos a necesitar mas que discursos, almas y armas para sacarlos de Puerto Rico. ¿O es que todavía hay alguien que alega que un huevo frito puede producir una gallina?

Aunque entendemos bien que el enemigo principal nuestro son los colonizadores e Imperialistas yanki, esto no quiere decir que no vamos a castigar a los oportunistas que se burlan del pueblo puertorriqueño. Se lo advertimos, tanto a los lacayos que les sirven fielmente a los capitalistas americanos en la Isla, cómo tambien a las Chinchas que usan la pobresa y la explotación de los puertorriqueños en los Estados Unidos para buscar puestos políticos y alimentar sus bolsillos, que están en nuestras miras y facilmente pueden caer en nuestras garras. ¡Todo oportunista es enemigo del pueblo, y así será tratado, a menos que no cambie

Nuestras acciones hoy, en contra de instituciones de los yanki y la oficina del ELA, demuestran de nuevo nuestra habilidad de penetrar hondo en las entrañas del monstruo y darle donde le duele

POR HOY QUE SE ENTIENDA: QUE PUERTO RICO LIBRE, SI ES NECESAR SE ESCRIBIRA CON SANGRE; QUE PUERTO RICO SERA DE LOS PUERTORRIQUENOS; Y QUE LA PATRIA ES VALOR Y SACRIFICIO.

ARMED FORCES OF PUERTO RICAN NATIONAL LIBERATION

BULLETIN OF THE PEOPLE

In commemoration of PEDRO ALBIZU CAMPOS

Since the 12th of June, 1976, we have launched an offensive dramatizing the outrage of the Puerto Rican people, in the United States and on the island, by the imperialist Yankees. Today, Puerto Rico suffers the highest level of exploitation and oppression in the whole western hemisphere under the colonial yoke of the United States. A classic example of this is the five nationalist comrades that are still prisoners in the federal jails for committing the sole crime of loving the fatherland and wanting it to be free. LOLITA LEBRON, OSCAR COLLAZO, IRVING FLORES, RAFAEL CANCEL MIRANDA and ANDRES FIGUEROA CORDERO, together have been in jail for more than 100 years, under the most inhuman conditions, victims of the Yankee system of justice. ANDRES has cancer and the probability of his living is minimal, but he is still a prisoner. Nevertheless, there are criminals like RICHARD NIXON and company that walk free and continue committing atrocities and crimes. It is an inexcusable injustice that there are five Puerto Rican prisoners, humble working people who love their fatherland, and that's why they are there, while others that are well known for the plunder, the oppression and exploitation of humanity are free.

We, equal to these five comrades, are not criminals nor terrorists, but rather we fight for the just cause of the INDEPENDENCE OF PUERTO RICO AND THE LIBERTY FOR THE NATIONALISTS that are political prisoners. We look for the creation of a new nation where justice and love prevails for all humanity; and where exploitation of man by man, drug addiction, prostitution, alcoholism and human egoism is eliminated:

This line of conduct dictates to us that our attacks be directed against the Yankee imperialists - the dominant class that exploits us so much both in Puerto Rico and in the United States. And does not only exploit the Puerto Ricans but also exploits the North American laborers, the Afro-North American laborers, the native American Indians, Chicano people and third world people.

ARMED FORCES OF THE PUERTO RICAN NATIONAL LIBERATION

While Puerto Rico is a colony of the United States and while the exploitation of the Puerto Ricans continues, we fight and continue our actions because we believe that FREE PUERTO RICO, IF IT IS NECESSARY, IS WRITTEN WITH BLOOD.

We love the peace and the people - the workers and the oppressed; but we are not going to sit with the arms crossed while the Yankees try to wipe us out like they have done with the native Americans (Indians). Even though today we are victims of colonialism, oppression, exploitation, and ignorance because the opportunity of a good education is deprived us, the drugs, the brutal politics, the malnutrition and even the fires, this situation is going to change. And it will change because we decline to accept the propagated theory of some comrades that argue that through liberal reform and legality, they are going to take the colonialists and Yankee oppressors out of Puerto Rico. This is too utopian and romantic. If the Yankees conquered Puerto Rico under an armed invasion, we are going to need, more than speeches, souls and arms to take them out of Puerto Rico. Or is it that there is still someone who argues that a fried egg can produce a chicken?

Even though we understand well that our principal enemy are the colonialists and the Yankee imperialists, this doesn't mean that we are not going to punish the opportunists that make fun of the Puerto Rican people. We advise it, to the lackeys that they serve faithfully to the American capitalists on the island, as well as the Chinchas that use the poverty and the exploitation of the Puerto Ricans in the United States to look for political positions and to feed their little purses, that they are in our gaze and easily can fall into our claws. Every opportunist is an enemy of the people and that's how he will be treated, unless he changes.

Our actions today, against the Yankee institutions and the office of ELA*, once again show our ability to penetrate deeply into the guts of the monster and hit him where it hurts.

LET IT BE UNDERSTOOD: THAT FREE PUERTO RICO, IF IT IS NECESSARY WILL BE WRITTEN WITH BLOOD; THAT PUERTO RICO WILL BE OF THE PUERTO RICANS; AND THAT THE FATHERLAND IS BRAVERY AND SACRIF

(*Translator's note: May mean Estado Libre Asociado (Freely Associated State), a term describing the relationship of Puerto Rico to the U.S.A.)

DOCUMENT PREPARED BY THE FBI

Recent MACHETEROS statements/actions:

March 31, 1998: Bombing of Superacueduct at Arecibo, Puerto Rico. **April 3, 1998,** Macheteros claim responsibility for the attack, decrying the "environmental aggression" of the Superacueduct project. The attack was "only the beginning of what from now on will constitute a line of action in defense of our country..."

April 21, 1998: Taped message by Ojeda-Rios confirms Machetero responsibility for Superacueduct bombing and justifies it on environmental grounds. Ojeda-Rios also accused the FBI of being incompetent and of planting evidence in the past relating to alleged crimes committed by the Macheteros.

June 09, 1998: Bombing of a branch of Banco Popular in San Juan. Drive-by shooting of Banco Popular branch in Rio Piedras (two bullet holes found in glass door). Communique issued the same day by Macheteros claimed responsibility for the attacks in support of the Puerto Rico Telephone Company strike. The communique called the shooting a "warning."

June 25, 1998: Police of Puerto Rico officer seriously injured by a flashlight that had been made into a pipe bomb. The bomb had been left at a Banco Popular branch in Santa Isabel, Puerto Rico.

July 18, 1998: Interview with Luis Penchi, radio/newspaper reporter. Ojeda-Rios disavowed Machetero involvement with the bombing on June 25; "What we do, we do very carefully, so as to not cause harm to the people, and so that it can promote the awareness of our people." Ojeda-Rios decried the "meddling of the FBI in Puerto Rico. Threatened retaliation for the expected move of SOUTHCOM to Puerto Rico. "As long as Puerto Rico continues in its colonial status, the armed struggle always can and has to be a real alternative." U.S. military forces "should not feel comfortable in this country. I am not going to tell you, nor am I going to say in advance what the Macheteros are going to do, but I am going to tell you they are going to do something. We are not going to remain inactive."

In December, 1998, the FBI increased the reward for Ojeda-Rios was increased to $500,000. On **January 17, 1999** Ojeda-Rios issued a statement advising that anyone that gives information to the police regarding his whereabouts would be considered a "traitor" and would "pay with his life."

In early February, 1999, members of the U.S. Congress received a letter, written in English, from a group identifying themselves as the "Puertorican Nationalist Army". The letter threatened attacks on the U.S. mainland if the U.S. military did not leave Puerto Rico. San Juan FBI did not attribute the letter to the Macheteros for various reasons, however, the press reported that the threat had come from the group. In a news release dated **February 26, 1999,** the Macheteros denied writing the letter, and wrote: "Our people should know, however, that our organization's policy is and will be one of never announcing beforehand any armed revolutionary act."

Following a U.S. Naval accident on the island of Vieques **April 19, 1999,** wherein a Naval

employee was killed, Ojeda-Rios released a recorded statement decrying the actions of the U.S. Navy on Vieques. A copy of the recording could not be obtained.

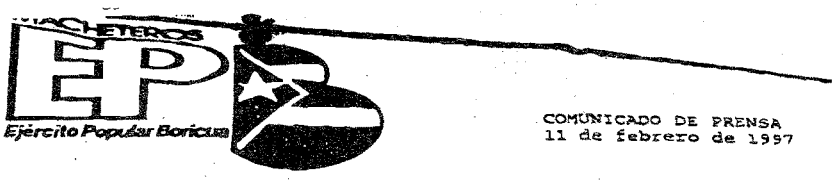
July 13, 1999: Ojeda-Rios delivers a message, through the press, to Colombia's Ejército de Liberación Nacional (ELN-National Liberation Army) asking for the release of Rosa de la Cruz. De la Cruz is a Puerto Rican woman who had been kidnapped by the ELN in Colombia. "We, the members of the Boricua Popular Army, Los Macheteros, are representatives of a Puerto Rican people engaged in an active battle for freedom. We are very aware of the effort you are undertaking in your country to achieve your goals, not only with an unjust and corrupt system that enslaves the Colombian people whom we lover and respect so much, but also to make revolutionary advances in the process of brotherhood that must unite all the people of our Latin America."

August 17, 1999: Ojeda-Rios makes a news release decrying the conditions placed by President Clinton for the release of 15 Puerto Rican prisoners.

On August 19, 1999, a bank was held up at Montehiedra, Puerto Rico. The thieves screamed that they were Macheteros. On **August 25, 1999,** the Macheteros made a news release stating "Our revolutionary and patriotic organization had nothing to do with these occurrences. The people who committed this robbery wanted to take advantage of the prestige of our organization for acts which benefit themselves, not the people."

September 13, 1999: Ojeda-Rios releases a tape. "If they start bombing Vieques again, and they threaten the island's population, or those carrying out acts of civil disobedience, they will have to face the consequences because Los Macheteros will not remain with their arms crossed, you can be sure.

October 01, 1999: Following statements made by FBI Assistant Director, Neil Gallagher regarding the release of the prisoners (Ojeda-Rios was used as an example by Gallagher), Ojeda-Rios made a news release stating that the FBI had "launched a hate campaign towards the Puerto Rican patriots."



COMUNICADO DE PRENSA
11 de febrero de 1997

Durante este siglo de ocupación yanqui, el gobierno de los Estados Unidos ha aplicado una política cruel e inhumana con relación al trato dado a los patriotas que han luchado por la liberación de nuestra patria y que han sido encarcelados. Nuestros luchadores han sido torturados, aislados, sometidos a experimentos orientados a lograr una "modificación de comportamiento", y se les ha negado los más elementales servicios de salud que se requieren y que son, por ley internacional, normas que rigen el trato que se les tiene que garantizar a patriotas encarcelados por motivaciones de lucha anti-colonial y libertaria.

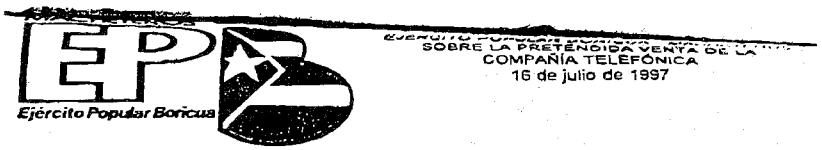
Así, sometieron a don Pedro Albizu Campos a infrahumanas condiciones carcelarias y a los tortuosos efectos de ondas radiactivas que causaron gran daño a la salud de nuestro más importante prócer de este siglo. Patriotas como Andrés Figueroa Cordero y muchos otros han carecido de atención médica a tiempo, desarrollando, como consecuencia, enfermedades tan graves que les ocasionaron la muerte.

Ahora le niegan a uno de nuestros más destacados luchadores encarcelados, Oscar López, el acceso a la atención médica que una condición peligrosa que afecta gravemente su salud exige.

Sabemos que las penurias impuestas a nuestros patriotas encarcelados por los colonialistas y terroristas yanquis, además de causar daños irreparables a la salud de nuestros compañeros, tienen el propósito de desalentar la participación de nuestro pueblo en el proceso de lucha libertaria, amedrentándolo y amenazándolo de manera subliminal.

El Ejército Popular Boricua - Macheteros denuncia ante la opinión de nuestro pueblo, del propio pueblo de los Estados Unidos de Norteamérica, y de todos los pueblos del mundo, que responsabilizamos totalmente al gobierno de los Estados Unidos por cualquier daño que sea provocado en nuestros compañeros encarcelados. Les exigimos que mientras nuestros hermanos estén en sus prisiones tienen que recibir un trato humano y repestuoso de las leyes internacionales que exigen el debido cuido de los luchadores por la libertad apresados.

Igualmente, el Ejército Popular Boricua - Macheteros, advierte que cualquier acto que ocasione daño a la integridad física y mental de nuestros hermanos, no quedará impune. ¡BASTA YA DE TANTO ABUSO Y ATROPELLO!



SOBRE LA PRETENDIDA VENTA DE LA
COMPAÑÍA TELEFÓNICA
16 de julio de 1997

Desde que el señor Pedro Rosselló González fuera electo a la gobernación de Puerto Rico en 1991 y 1995 ha hecho innumerables esfuerzos por crear un estado de confusión y caos en nuestra patria. No ha existido un sólo renglón, de los muchos que dan cuerpo a la realidad política, económica y social, que no se haya visto gravemente afectado por las incongruentes manipulaciones de este señor que hoy controla los destinos de nuestro pueblo, desde la Fortaleza.

Es a todas luces evidente que el gobernador Rosselló tiene una estrategia muy definida para lograr los objetivos que se propone: crear un gran pandemónium con todo lo que tiene que ver con la vida de nuestro pueblo, con sus agencias de gobierno, con los administradores de la justicia, con los servicios a nuestra comunidad, con la superestructura ideológica que ellos pretenden controlar al máximo, y aún con aquellos elementos de infraestructura que son los que dan seguridad al pueblo y le permite planificar adecuadamente hacia el futuro.

Hay un viejo refrán popular que expresa claramente la estrategia del señor Rosselló: "Quiere pescar en río revuelto". Es por eso que este individuo antipueblo, que por desgracia hoy funge como gobernador de Puerto Rico, ha creado un estado de caos.

Siempre orientado por su reaccionaria visión anexionista, no ha escatimado en esfuerzos para imponer la estadidad. No ha podido a través de los medios legítimos y ahora se apoya en medidas agresivas y que no responden a los verdaderos intereses de nuestro pueblo.

La legislatura de Puerto Rico, ese sello de goma que no tiene la menor idea de lo que es salvaguardar los intereses del pueblo, se ha sometido totalmente a los caprichos de este Fujimori caribeño y pitiyanqui. Con la tímida excepción de algunos senadores y representantes, todos los legisladores que son incondicionales del Rey Pedro I, se prestan para servir a los caprichos de este gobernador antipuertorriqueño.

El peor de los crímenes que ahora se pretende imponer a los puertorriqueños es la venta de la compañía telefónica. Pretenden hacerle crear al pueblo que están realizando unas vistas públicas, cuando esto no es sino la instrumentación de un mecanismo que en estos momentos es estrictamente *pro forma*; su decisión ha estado tomada desde el mismo momento en el cual el gobernador sometió su proyecto de ley, que no tiene otro propósito sino el de obtener fondos para poder pagar por la cacareada tarjeta de salud, poder pagar el supertubo, al igual que el colocar miles de millones de dólares en los bolsillos de sus amigos y financiar la campaña en favor de la anexión, amén de las pingües comisiones que sus benefactores habrán de obtener como resultado de esta traición al pueblo.

Ante tal situación, el Ejército Popular Boricua-- Macheteros:

1. Advierte a todos los senadores y representantes que se presten para esta criminal política de entrega, que ellos cargarán y responderán en su totalidad con la responsabilidad de semejante hecho;
2. Advierte a todos los presuntos compradores que de prestarse a esa maniobra no habrán de tener paz ni tranquilidad en nuestra patria. Serán tratados con la fuerza de la justicia revolucionaria, en nombre de nuestro pueblo puertorriqueño.

Ya nuestro pueblo está cansado de tanto atropello y está en disposición de defender sus legítimos intereses.

MACHETEROS

EPB

Ejército Popular Boricua

COMUNICADO DE PRENSA DEL
EJÉRCITO POPULAR BORICUA - MACHETEROS
SOBRE EL TRASLADO DEL COMANDO SUR Y
LA AMPLIACIÓN DE LAS FUERZAS
DEL FBI EN PUERTO RICO
2 de agosto de 1997

En días recientes el gobierno de los Estados Unidos y sus servidores en nuestra patria han dado a conocer que: 1) El Buro Federal de Investigaciones (FBI) habrá de aumentar no sólo el número de agentes en Puerto Rico, sino también el número de oficinas, las cuales habrán de estar establecidas en los cuatro puntos cardinales de nuestra patria Norte, Sur, Este y Oeste, y, 2) que el llamado Comando Sur, que durante décadas ha tenido su sede en Panamá, habrá de ser trasladado a Puerto Rico y será desde nuestra patria que habrán de planificar y dirigir toda intervención militar del gobierno de los Estados Unidos dirigida hacia la América Latina y hacia el Caribe

Es harto conocido el rol represivo, militarista y criminal de estas dos instituciones yanquis. Por un lado, el FBI se ha caracterizado por concentrar sus esfuerzos en la represión política a nuestro movimiento revolucionario que, con toda razón y sentido de justicia, ha luchado por lograr que nuestra patria sea verdaderamente libre. Ahí está la historia de la represión criminal ejecutada por este cuerpo fascista en contra don Pedro Albizu Campos y todo el movimiento nacionalista, al igual que en contra de todos los independentistas que hemos sufrido vejámenes y persecución orientada e instigada por esos servidores del colonialismo. Ellos han sido los ejecutores de la política de COINTELPRO, que consistía en la infiltración de todo sector progresista y patriótico y en la fabricación de casos. Igualmente, aún está muy fresco en la memoria de nuestro pueblo aquella invasión que ellos hicieran a nuestro territorio el 30 de agosto de 1985 para reprimir a los luchadores patrióticos.

Por otro lado, los militaristas yanquis y sus alcahuetes locales, que tantas loas y servicios les han prestado vendiendo sus conciencias por unos míseros dólares y beneficios, muy bien saben cuál ha sido el triste papel de esas fuerzas militares yanquis. Ellos han invadido y asesinado a representativos de los pueblos de Panamá, de Guatemala, de Nicaragua, de República Dominicana, de Granada, de México, y han intervenido y fraguado conspiraciones en la casi totalidad de las repúblicas de América Latina. Y no cabe duda alguna. ¡Son los mismos! ¡Es la misma filosofía de dominio y control!

Al traer a nuestra patria esas dos instituciones militares y paramilitares, utilizando la gran mentira de que se hace con la intención de (trata de luchar para) detener el tráfico de drogas, lo único que pretenden es colocarse en una posición estratégica para intentar detener lo que ellos muy bien saben que va a llegar: la ampliación de la lucha de los puertorriqueños para dar fin a esta grave tragedia que nos oprime y nos reduce a parias en nuestra propia tierra.

Los gobernantes y tradicionales vendidos de las administraciones coloniales engañan a nuestro pueblo. Lo manipulan como les da gusto y gana con sus constantes mentiras y abusos. De eso se trata esta última maniobra con todo y su cacareado proyecto Young.

Es bueno que los yanquis y sus lacayos del patio sepan claramente que en esta patria puertorriqueña habemos mucho patriotas que no les tememos. Que estamos dispuestos a ofrendar nuestras vidas o perecer en sus prisiones, si esa fuera la necesidad, para continuar nuestra lucha. ¡NO LES TEMEMOS PORQUE SABEMOS QUE LA RAZÓN Y LA VERDAD NOS AMPARA! ¡NO LES TEMEMOS PORQUE SABEMOS QUE ELLOS NO SON DIOSES, y que de continuar su política de engaño y mentiras habrán de sufrir las consecuencias! ¡NO LO DUDEN! Los puertorriqueños lo único que tenemos que perder son las cadenas.

¡QUE VIVA PUERTO RICO LIBRE!
¡PATRIA O MUERTE, VENCEREMOS!
¡HASTA LA VICTORIA SIEMPRE!

1040099

"MACHETEROS
"EPB
"EJERCITO POPULAR BORICUA"

PRESS RELEASE FROM THE
POPULAR PUERTO RICAN ARMY/
MACHETEROS
CONCERNING THE TRANSFER OF
THE SOUTH COMMAND AND INCREASE
OF FBI FORCES IN PUERTO RICO
August 2, 1997

The United States Government and its lackeys in our country have recently made it known that 1) the Federal Bureau of Investigation (FBI) will be increasing, not only the number of its agents in Puerto Rico, but also the number of their offices, which they will establish in the four cardinal points of our homeland: North, South, East and West, and 2) that the so-called South Command, which for decades has been headquartered in Panama, will be transferred to Puerto Rico, and it will be from our homeland that the entire military intervention of the United States' Government in Latin America and the Caribbean will be directed.

The repressive, militaristic and criminal role of both Yankee institutions is well known. On one hand, the FBI has been known for the concentration of their efforts in the political repression of our revolutionary movement, which in its right and with a sense of justice has fought for the true liberty of our homeland. Those efforts include the criminal repression enforced by that fascist body against Don PEDRO ALBIZU CAMPOS and the entire nationalist movement, and against all of us independence advocates who have suffered persecution on the part of the lackeys of colonialism. They were the enforcers of the "COINTELPRO" POLICY, which consisted of the infiltration of every progressive and patriotic sector, and in the fabrication of cases. Our people also still have fresh in their memory the invasion of our territory on their part, on August 30, 1985 in an effort to repress the patriotic fighters.

On the other hand, the Yankee militiamen and their local lackeys, who have praised them so highly, and given them their services by selling their conscience for a few dollars and benefits, are very well aware of the sad role of those Yankee military forces. They have invaded and assassinated representatives of the countries of Panama, Guatemala, Nicaragua, Dominican Republic, Grenada, Mexico. They have intervened and concocted conspiracies in most Latin American Republics. And there is no doubt that they are the same! It is the same dominion and control philosophy.

By bringing into our country these two military and paramilitary institutions, based on the untruth that this is being done in the fight against drug trafficking, what they

really want to do is attain a strategic position in order to deter what they know very well is coming: the intensification of the Puerto Ricans' struggle against this serious tragedy which oppresses us and makes us pariahs in our own homeland.

The traitor leaders and traditionalists of the colonial administrations are deceiving our people. They manipulate them at their wish with their constant lies and abuse. This is what this last maneuver, in addition to the much talked about Young Project, is all about.

The Yankees and their local lackeys should clearly understand that in Puerto Rico there are many of us patriots who don't fear them. That we are willing to offer our lives or die in their prisons if necessary, in order to continue our struggle. WE DO NOT FEAR THEM BECAUSE WE KNOW THAT WE HAVE THE RIGHT AND THE TRUTH. WE DO NOT FEAR THEM BECAUSE WE KNOW THEY ARE NOT GODS and if they continue with their policy of lies and deceit, they will suffer the consequences. THERE IS NO DOUBT ABOUT IT. The only thing we Puerto Ricans have to lose is our chains.

LONG LIVE FREE PUERTO RICO!
HOMELAND OR DEATH, WE WILL CONQUER!
TO VICTORY ALWAYS!

MACHETEROS

EPB

Ejército Popular Boricua

COMUNICADO DEL
EJÉRCITO POPULAR BORICUA - MACHETEROS
SOBRE EL SUPERACUEDUCTO

1RO DE ABRIL DE 1998

En la noche del 31 de marzo, las Unidades Militares Especiales *Manolo el Leñero* y *Francisco "Pechín" Marín*, adscritas al *Ejército Popular Boricua - Macheteros*, atacaron un centro de maquinarias que son parte importante de la construcción del ilegal superacueducto.

Los puertorriqueños que no nos dejamos engañar sabemos que el gobierno de Puerto Rico, que hoy es dirigido por la mafia política de Pedro Rosselló González, se ha convertido, *de facto*, en un violador de la ley obrando como ladrón en la noche al continuar con la construcción del llamado superacueducto, aún cuando la Corte de Apelaciones ha expresado, con toda claridad, que este proyecto se está llevando a cabo incumpliendo con las exigencias de ley.

Las violaciones descritas en la opinión de dicha Corte, se manifiestan en los siguientes aspectos:

a. La construcción de dicho proyecto no había sido autorizado por el Departamento de Recursos Naturales y Ambientales de Puerto Rico;
b. Nunca fue sometida o aprobada una Declaración de Impacto Ambiental que llenara los requisitos de ley;
c. Importante reglamentación de construcción fue violentada al no presentarse un amplio estudio hidrológico-hidráulico, según está ordenado por ley;
d. No se sometió a las normas que rigen la Ley de Planes y Usos de Terrenos, al construir la laguna de retención en terrenos agrícolas;
e. Nunca se sometieron a discusión alternativas al proyecto del superacueducto en la Declaración de Impacto Ambiental, que es, también, un requisito de ley.

Este gobierno dictatorial y corrupto opta por violar la ley y pisotear, sin titubeos, los foros judiciales puertorriqueños que han tomado acción legal en defensa de las leyes establecidas para proteger el ambiente y la calidad de vida de los puertorriqueños.

En vez de escuchar las voces de aquellos que están comprometidos con los mejores intereses de las comunidades puertorriqueñas y de los legítimos defensores del medio ambiente que gratuitamente les proponen alternativas positivas y económicas, el desgobierno de Rosselló opta por satisfacer los intereses económicamente motivados de los desarrolladores privados. Son estos grandes proyectos ya planificados y autorizados por el gobierno anti-pueblo y pro-ricos de Rosselló. Todo nuestro pueblo sabe que grandes sumas de ese dinero malversado irán a parar a los bolsillos de los corruptos que hoy se enriquecen a costa de la salud y sudor de los puertorriqueños. El pueblo, con su sabiduría intuitiva, sabe que muchos de esos fondos irán a fortalecer las arcas del Partido Nuevo Progresista para ser utilizados en campañas anexionistas, y para cabildeo en Washington a favor de proyecciones anti-puertorriqueñas.

Igualmente y con mayor descaro, este gobierno, contando con la complicidad incondicional de unos legisladores anexionistas que hoy controlan ambas cámaras legislativas, pretenden imponer a todos los puertorriqueños aquellas políticas que crean un ambiente de confusión y terror para lograr sus objetivos estratégicos. Estos no son sino la disolución de la patria puertorriqueña y su conversión en injertos yanquis: híbridos despersonalizados, asimilados y esclavos a perpetuidad.

Ha sido ampliamente denunciado que el agua prometida nunca llegará a los necesitados; se quedará distribuida en el trayecto para satisfacer las necesidades de los desarrollistas de la zona norte.

El daño potencial que sufrirá la zona central, al igual que el grave daño que habrá de sufrir lo que hoy es el Lago Dos Bocas, como consecuencia de este proyecto, será irreparable. Ya hemos comenzado a sentir los efectos de tal agresión ambiental.

Científicos puertorriqueños entendidos en la materia y comprometidos con la salud de nuestro pueblo, han explicado -respaldados por abundante evidencia- que la deficiente calidad del agua podría afectar la salud de la población, y sus consecuencias pueden ser trágicas para todos, particularmente para todo el pueblo más pobre que *no* compra agua mineral y sí utiliza la que ofrece la Autoridad de Acueductos y Alcantarillados. Igualmente, han advertido sobre cómo la modificación en el embalse del Lago Dos Bocas afectaría de manera negativa no sólo el estuario del Río Grande de Arecibo sino también los humedales ribereños y los pantanos de Caño Tiburones, lugares calificados por el propio Departamento de Recursos Naturales como de gran importancia para el balance ecológico de la zona.

Además del daño ambiental, ya hemos visto cómo nuestros niños corren altos riesgos debido a la negligencia de los constructores en el manejo de su maquinaria.

El *Ejército Popular Boricua, Los Macheteros*, en esta ocasión, toma acción en defensa de las leyes que protegen nuestro ambiente y en contra de un gobierno que actúa en contravención de los intereses de nuestro pueblo y en su perjuicio.

Este acto, en el cual equipos importantes de dicho proyecto han sido destruidos, es sólo el inicio de lo que de ahora en adelante habrá de constituir una línea de acción en defensa de nuestro pueblo, desamparado de mecanismos que garanticen su bienestar.

El *Ejército Popular Boricua* hará extensiva esta política de Salvación Nacional a todos aquellos sectores que, como los trabajadores de la Autoridad de Teléfonos de Puerto Rico y pueblo en general, son victimizados por la criminal política de privatización que hoy define la filosofía anti-puertorriqueña del gobierno de Pedro Rosselló González.

Ejército Popular Boricua - Macheteros
1ro de abril de 1998

MACHETEROS

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Ejército Popular Boricua

COMUNICADO DEL
EJÉRCITO POPULAR BORICUA - MACHETEROS
SOBRE LA PRIVATIZACIÓN Y LA VENTA DE LA
COMPAÑÍA TELEFÓNICA

27 DE MAYO DE 1998

En el día de hoy, el dictador de Puerto Rico, Pedro Juan Rosselló González, ha desafiado de manera criminal y abusiva al pueblo puertorriqueño: ha anunciado la privatización de la Telefónica de Puerto Rico. Esta empresa es uno de los pilares económicos de los puertorriqueños ya convertido en patrimonio nacional gracias al esfuerzo de los hombres y mujeres que la transformaron en una que ha servido de sostén para muchos sectores sociales puertorriqueños. Con este acto inaudito y criminal, el gobierno fascista de Rosselló y sus cuarenta ladrones, que se encuentran ubicados en la legislatura de Puerto Rico, esa que actúa en complicidad conspirativa tras la destrucción de la nación puertorriqueña, le ha declarado la guerra a todo el pueblo puertorriqueño.

Esa declaración de guerra que ha caracterizado a este dictador moderno ya se había hecho evidente contra otros sectores profesionales y sociales de nuestra abusada patria: le ha declarado la guerra a la judicatura puertorriqueña; le ha declarado la guerra a los médicos agrupados en el Colegio de Médicos Cirujanos; le ha declarado la guerra a los abogados y abogadas que forman parte del más que centenario Colegio de Abogados de Puerto Rico; le ha declarado la guerra a los centros universitarios de la comunidad puertorriqueña, le ha declarado la guerra a todos los sectores y comunidades que luchan en defensa de la preservación ambiental; le ha declarado la guerra a la prensa y a los periodistas del país; le ha declarado la guerra a la cultura del pueblo; le ha declarado la guerra a los religiosos que ansían la reconciliación nacional; le ha declarado la guerra al movimiento obrero organizado; y, sobre todo, le ha declarado la guerra a los obreros que con su sacrificio y trabajo mantienen en sus hombros la estabilidad económica de nuestra patria.

La privatización, esa punta de lanza reaccionaria pro-ricos y millonarios, es convertida en panacea para resolver todas las ambiciones de estos vendepatria que lograron engañar a nuestro pueblo y a quienes éste, ingenuamente, les dio las riendas del poder. Así mismo sucedió con Hitler, este asesino que tan crucimente sometió al genocidio a millones de seres humano sólo por ser judíos; también asumió el poder porque un pueblo equivocado creyó en él. Todos conocemos la historia.

La venta de la telefónica no es sino una Declaración de Guerra ya oficializada. La privatización es parte importante de su estrategia de guerra y todo nuestro pueblo deberá responder conforme a esa criminal política. Nuestro pueblo que lucha puede estar seguro de que tiene la razón; tiene que sentir que los violadores de la ley y los verdaderos criminales son esos usurpadores que, en pos de convertir a esta nación y a este pueblo en los yanquis que no somos, ya vendieron sus almas al diablo y se prestan a destruir todo lo que somos y a derrumbar lo que muy bien puede ser la base de una reconstrucción nacional cuando esta patria alcance lo que tiene que ser inevitable: su independencia y libertad real.

Condenamos, de igual forma, al Banco Popular de Puerto Rico y en particular a su presidente, Richard Carrión, por haberse prestado a esa maniobra antipueblo que podrá beneficiar a su banco y sus intereses, pero jamás a nuestro pueblo. Este señor ya ha definido lo que es su verdadero amor: el dinero. Escasamente piensa en otras cosas que tengan que ver con la patria y queda demostrado que los multimillonarios no tienen otra patria que el dinero. Ya estamos seguros de que cuando el Banco Popular auspiciaba conciertos navideños como un "regalo al pueblo", en realidad lo cantaba una nana para dormirlo y engañarlo haciéndole creer que cuando pensaba en sus intereses también pensaba en Puerto Rico. Ya esa hipocresía ha quedado al desnudo.

Este proceso desatado por la camarilla de Rosselló y sus cuarenta corruptos legisladores, sólo comienza. Nuestro pueblo no se quedará con los brazos cruzados. Ellos son y serán los únicos responsables de todo lo que en nuestra patria se desate de ahora en adelante. Ellos son los provocadores y culpables de toda la guerra que de ahora en adelante habrá de desatarse. Ellos han declarado la guerra y ahora sabrán lo que es guerra.

¡EL PUEBLO NO ESTÁ SOLO! El *Ejército Popular Boricua, Los Macheteros*, está a su lado y haciendo todo lo que está a nuestro alcance por defender nuestros derechos y el derecho a ser verdaderamente libres.

MACHETEROS

EPB

Ejército Popular Boricua

COMUNICADO DEL
EJÉRCITO POPULAR BORICUA - MACHETEROS
ADVERTENCIA SOBRE LA VENTA DE LA
COMPAÑÍA TELEFÓNICA DE PUERTO RICO

10 de junio de 1998

En la madrugada del 9 de junio de 1998, dos unidades del *Ejército Popular Boricua - Macheteros*, realizaron una acción de advertencia en contra de la venta de la *Puerto Rico Telephone Company*, escogiendo como blanco dos estructuras del Banco Popular de Puerto Rico, cuyo Presidente y accionista mayor es el señor Richard Carrión.

Durante los pasados años, el señor Carrión se había identificado con importantes valores orientados hacia la consolidación de la puertorriqueñidad, apoyando expresiones definitorias de la cultura que representan esa puertorriqueñidad. Esas expresiones positivas sucumbieron ante el poderoso incentivo que, en términos de dólares y centavos, el gobierno de Pedro Juan Rosselló le ofreciera al "vender" un importante componente del patrimonio nacional puertorriqueño -la compañía telefónica de Puerto Rico-, a un gigante del imperio de las comunicaciones: GTE, que es uno de los pulpos que el sistema económico de los Estados Unidos posee y utiliza para ampliar sus redes de control sobre toda la humanidad.

El Patrimonio Nacional está descrito en los mejores diccionarios de la lengua española, como: "la totalidad de bienes de una nación". La Telefónica de Puerto Rico es un bien económico desarrollado por puertorriqueños que aman a nuestra patria y que para ella han dado lo mejor de su intelecto y esfuerzo. El patrimonio que conjuga todos los valores de nuestra existencia boricua, lo son nuestra tierra, nuestras playas, nuestras estructuras históricas, nuestra cultura y valores y, sobre todo, los haberes de la colectividad puertorriqueña forjados con el sudor de nuestros obreros y obreras.

Nuestra patria, usurpada y mantenida como una colonia por el poderoso Goliat del Norte, no puede perder uno de los elementos fundamentales que puede servirle de base y esperanza para una reconstrucción nacional en libertad futura: su fuerza y capacidad económica, cuyo compromiso real y primordial es con todo el pueblo. Ese patrimonio no es para beneficiar de manera privilegiada a unos banqueros o accionistas que dicen amar a esta patria, para que luego, en ese proceso, cambien su filosofía existencial colocándose al lado de tendencias orientadas hacia la destrucción de nuestra nación y de nuestra nacionalidad.

Recientemente, el politólogo Juan Manuel García Passalacqua, al interpretar artículos publicados en el *New York Times* que aludían a las funciones de los grandes bancos en el futuro, expresaba que: "en el próximo milenio, bancos transnacionales reemplazarán al estado-nación como el fundamental y más poderoso motor de poder financiero y acción en el mundo". Así surge la llamada "globalización", cuya estrategia de privatización juega un papel preponderante en la intención de suplantar lo que tradicionalmente se ha conocido como "gobiernos" y así regir todos los aspectos de la existencia humana. En otras palabras, los superpoderosos controlarán a todos los pueblos; GTE es uno de los *gladiadores globales* en esa arena.

En ese proceso, la venta de la Compañía Telefónica sí es una traición a la puertorriqueñidad; sí es una entrega del patrimonio nacional; sí es una política destructiva para los puertorriqueños; sí es una amenaza para nuestra existencia como pueblo, sí es una ayuda de incalculable valor para aquellos que tienen como su objetivo la destrucción de nuestra nacionalidad y la destrucción de nuestra esperanza de convertirnos en un pueblo libre e independiente, como es el designio de la naturaleza y de nuestra historia. La venta de ese patrimonio es un regalo para GTE y, no negamos, un magnífico

El Banco Popular aún está a tiempo de enmendar su error y reconquistar el respecto de todos los que le hemos criticado y volver a ser *el Banco de Puerto Rico*. Que no se convierta en un peón en el tablero de juego. Por tal razón, cuando *Los Macheteros* tomamos la difícil decisión de ejecutar nuestras acciones, lo hicimos con garantías de que no habría peligro alguno para los puertorriqueños, para los empleados y para los que han patrocinado dicha empresa, incluyendo a muchos *Macheteros*. Fueron dispositivos de bajo poder detonados en momentos en que no había público. En esta ocasión, los dispositivos fueron específicamente diseñados para advertir.

Por otro lado, nuestro pueblo no debe creer en el Superintendente de la Policía, Pedro Toledo. El es producto del FBI, el mismo que instrumentó la política de COINTELPRO y cuyo objetivo era reprimir, fabricando casos y situaciones, en contra de los luchadores por la justicia. Este señor insiste en decir que están investigando posible mano criminal en el derrumbe de la compuerta número tres de la represa de Carraizo. No creemos posible que puertorriqueño alguno piense en destruir y causar daños a una estructura como la represa Carraizo, donde podrían verse afectados decenas de hermanos y hermanas puertorriqueñas. Se sabe que el problema ha sido uno de falta de mantenimiento adecuado. En vez de invertir los fondos existentes para reconstruir y mantener en buen funcionamiento esa importante infraestructura, ellos han gastado millones de dólares en propaganda mentirosa; y en comprar a senadores y representantes yanquis para que éstos los ayuden en sus destructivas pretensiones.

El *Ejército Popular Boricua- Macheteros* siempre ha expresado que le hablará al pueblo con la verdad. El compromiso con la verdad guía nuestros actos y así lo ratificamos en este momento.

APPENDIX II.—LETTER FROM CHAIRMAN BURTON TO ATTORNEY GENERAL RENO DATED OCTOBER 19, 1999

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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CHRISTOPHER SHAYS, CONNECTICUT
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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 19, 1999

APPENDIX II

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

Men, women and children have been permitted to trespass on the Vieques, Puerto Rico, military testing ground for many months. There are, at present, four encampments with full time residents. One of these camps is not on the perimeter of the island, and requires the occupants to traverse areas where there are live bombs. I am particularly concerned for the safety of these individuals. The testing ground -- and the waters around it -- are filled with live bombs. While I understand the nature of the ongoing political protest, I have grave concerns that the presence of the protesters presents a risk of terrible tragedy. In fact, military personnel do not enter the area where some are camped without ordnance specialists. Given the fact that children have also been on the testing grounds, it is simply not enough to say that the individuals are responsible for their own destiny. If you are not prepared to permit that explanation to stand for those adults who have elected to smoke cigarettes, you certainly cannot allow that explanation to stand where people are living in the midst of unexploded bombs. Furthermore, as the head of the Department of Justice, which defends against legal claims brought against the United States of America, you should not contribute to the possibility of an expensive lawsuit that would cost taxpayers a significant amount of money.

While you might rationalize the decision to refrain from removing those trespassing in this very dangerous area, what will you say if a tragedy occurs and men, women or children are killed? It is my understanding that the Acting United States Attorney in Puerto Rico has publicly announced that he will prosecute individuals who endanger themselves by handling live ordnance on Vieques. This legalistic distinction, however, does not discourage individuals who are trespassing and who might not be able to understand the difference between live and inert bombs. There have already been a number of reported examples of individuals handling ordnance from the Vieques testing grounds. It would be small consolation indeed to say after a tragic death has occurred that you would have prosecuted the recently deceased.

Simply put, the current Department of Justice policy encourages people to break the law. If that were all, I would have strenuous objections. In the case of Vieques, however, the United States government is allowing people to place themselves in considerable risk. I believe it is a dereliction of your duty as Attorney General to turn a blind eye to the possibility of terrible tragedy.

I am also concerned that the Department of Justice has not followed evidence that indicates live ordnance has been taken from the island of Vieques. There appears to be a purposeful effort by the Department of Justice to ignore evidence. When my staff recently visited San Juan and spoke with F.B.I. employees, they were told that the F.B.I. could not verify that one individual had been handling unexploded military ordnance. My staff, however, spoke with at least one eyewitness to such an occurrence, and the names of other witnesses were offered. These people apparently have not been contacted. This leads me to conclude that some in your employment find it convenient not to know the answers to questions where Vieques is concerned. Again, there is a real risk of tragedy in this situation. If individuals have handled any type of military ordnance obtained from Vieques, there can be no guarantee that they will not harm themselves or other more innocent bystanders.

The Justice Department should neither condone unlawful conduct, nor should it stand idly by while people place themselves at risk. It would be one thing if you were unaware of the potential for tragedy. Here, however, you have been fully forewarned. If you have any questions, please do not hesitate to call me immediately

Sincerely,

Dan Burton
Chairman

cc: Rear Admiral Kevin Moran, Commander Navy Region Southeast
Director Louis J. Freeh, Federal Bureau of Investigation
Jon Jennings, Principal Deputy Assistant Attorney General, Office of Legislative Affairs
Hon. Henry A. Waxman, Ranking Minority Member

APPENDIX III.—REPATRIATION OF AN FALN SYMPATHIZER TO ITALY

In 1984, Silvia Baraldini, an Italian national who had lived in the United States since 1961, was sentenced to 43 years in prison and fined $50,000 for terrorist crimes linked to radical political groups, including the FALN, the May 19 Communist party, and "The Family."[1] Her crimes included conspiracy and racketeering connected to armed robberies, as well as kidnapping and contempt of court.[2] The robberies were conducted to help finance terrorist activities within the United States.[3]

On August 24, 1999, the Department of Justice announced Baraldini's transfer to Italy under the terms of the Strasbourg Convention.[4] This transfer occurred less than 2 weeks after President Clinton's August 11, 1999, clemency offer to the 16 FALN and Macheteros terrorists.

As with the offers of clemency to the 16 United States-citizen FALN and Macheteros terrorists, the Committee is concerned that this Italian-born FALN conspirator has been given lenient treatment. The Committee is also concerned that Baraldini was given preferential treatment even though she failed to cooperate with U.S. law enforcement.

A. BARALDINI'S BACKGROUND

Baraldini, a 51-year-old Italian national and daughter of a diplomat, lived in the United States for 38 years.[5] She moved here in 1961,[6] graduated from the University of Wisconsin, and was involved in the anti-war and civil rights movements.[7] Baraldini worked as a legal assistant[8] to Susan Tipograph, a lawyer who has represented several FALN terrorists.[9] Baraldini also actively par-

[1] *Baraldini* v. *Thornburgh,* 884 F.2d 615, 616–617 (D.C. Cir. 1989); Department of Justice statement regarding the transfer of Silvia Baraldini (Aug. 24, 1999) [hereinafter Department of Justice statement] (Exhibit 1).

[2] *Baraldini* v. *Meese,* 691 F. Supp. 432, 433, 436 (D.D.C. 1988); Exhibit 1—Department of Justice statement.

[3] Denise Lavoie, *Italian Radical Moved to New York in Preparation for Return,* the Associated Press, Aug. 19, 1999, PM cycle.

[4] Exhibit 1—Department of Justice statement.

[5] Exhibit 1—Department of Justice statement; Larry Neumeister, *Radical Will Serve out Term in Italian Prison,* the Record (Bergen County, NJ), Aug. 25, 1999, at A4.

[6] Denise Lavoie, *Imprisoned Italian to be Released Soon,* the Associated Press, Aug. 3, 1999, PM cycle.

[7] Mark Spencer, *Prisoner to Return to Her Native Italy,* the Hartford Courant, Aug. 8, 1999, at B2.

[8] Dan Collins, *FBI Agent Shows Up for News Conference by Radical Group,* United Press International, Nov. 12, 1982, AM cycle.

[9] See, e.g., *Guerra* v. *Meese,* 614 F. Supp. 1430 (D.D.C. 1985); *Court Papers Say FALN Leader's Lawyer Aided in Escape,* the Associated Press, June 2, 1983, AM cycle.

ticipated in radical political groups, including the FALN,[10] the May 19 Communist party,[11] and "The Family."[12]

B. BARALDINI'S TERRORIST AND CRIMINAL ACTS

Baraldini committed numerous terrorist and criminal acts.[13] For example, in 1983, Baraldini was held in contempt of court for her refusal to testify about her involvement with the FALN before a Federal grand jury investigating four Wall Street bombings that occurred on February 28, 1982.[14] Baraldini had the only carbon copy of an FALN communique claiming responsibility for the bombings.[15] The original communique was found inside a telephone booth four blocks from her apartment.[16] The attacks, which occurred at the New York Stock Exchange, the American Stock Exchange, the Chase Manhattan Bank, and Merrill Lynch,[17] gravely injured three police officers.[18]

In 1981, Baraldini attempted a $1.6 million robbery of a Brinks armored truck in Rockland County, NY.[19] A Brinks guard and two police officers were killed in the incident.[20] Baraldini was convicted of racketeering and conspiracy.[21] One year earlier, Baraldini participated in the attempted-armed robbery of an armored truck in Danbury, CT.[22]

In 1979, Baraldini helped Black Liberation Army leader Joanne Chesimard successfully escape from the Clinton State Correctional Facility in Clinton, NJ.[23] During this crime, Baraldini kidnapped two prison guards.[24] Chesimard was serving a life sentence for the

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[10] *Thornburgh,* 884 F.2d at 617; United Press International, Jan. 20, 1984, AM cycle.

[11] *Meese,* 691 F. Supp. at 436. The May 19 Communist party, named to commemorate the birth date of Ho Chi Minh and Malcolm X, is an organization sympathetic to other radical groups, especially the FALN and the New African Freedom Front. Dan Collins, United Press International, Nov. 12, 1982, AM cycle. "Members of [Baraldini's May 19 group] have participated in numerous armed robberies where police officers were wounded or killed." *Thornburgh,* 884 F.2d at 617. Baraldini was also the spokeswoman for the May 19 Communist party. Dan Collins, United Press International, Nov. 12, 1982, AM cycle.

[12] "The Family" is "a revolutionary organization whose members advocate the overthrow of the U.S. government through violent means." *Meese,* 691 F. Supp. at 436 (citing plaintiff's Exhibit 8). Baraldini was a member of "The Family's secondary team, a group of women that facilitated the crimes by arranging for cars, safe houses, and reconnaissance." *U.S.* v. *Ferguson,* 758 F.2d 843, 874 (2nd Cir. 1984).

[13] Exhibit 1—Department of Justice statement.

[14] *Thornburgh,* 884 F.2d at 617. See also letter from Janet Reno, United States Attorney General, to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998) (Exhibit 2); United Press International, Jan. 20, 1984, AM cycle.

[15] United Press International, Jan. 20, 1984, AM cycle.

[16] *Id.*

[17] *Thornburgh,* 884 F.2d at 617.

[18] *Two More Found Guilty for Refusing to Talk in FALN Inquiry,* N.Y. Times, Jan. 21, 1984, at A1.

[19] Exhibit 1—Department of Justice statement. See also John Pryor, United Press International, Nov. 18, 1982, AM cycle.

[20] Exhibit 1—Department of Justice statement. See also Exhibit 2—Letter from Janet Reno, United States Attorney General, to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998).

[21] Exhibit 2—Letter from Janet Reno, United States Attorney General, to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998). See also Judgment N 40/99, the Court of Appeal of Rome, Italy, Criminal Section IV (July 7, 1999) (translation) (Continuance of Baraldini's U.S. sentence) and Order, the Court of Appeal of Rome, Italy, Criminal Section IV (July 20, 1999) (translation) (Making corrections to the July 7, 1999, judgment) [hereinafter Italian judgment] (Exhibit 3).

[22] *Ferguson,* 758 F.2d at 854.

[23] *Ferguson,* 758 F.2d at 854. See also Exhibit 1—Department of Justice statement; Salvatore Arena, *Italian Sent Home to Jail,* Daily News (New York), Aug. 25, 1999, AM cycle.

[24] *Ferguson,* 758 F.2d at 854.

murder of a New Jersey State trooper.[25] After her escape from New Jersey prison, Chesimard fled to Cuba.[26]

C. BARALDINI'S CONVICTIONS AND SENTENCES

In 1984, Baraldini was convicted in Federal court in New York of, and sentenced for, the following crimes:[27]

Crime	Statute	Sentence (years)
Conspiracy to violate the RICO Statute	18 U.S.C. §§ 1961, 1962(d)	20 years $25,000
Substantive Violation of RICO Statute	18 U.S.C. §§ 1961, 1962(c)	20 years $25,000
Contempt of Court	18 U.S.C. § 401	3 years

The court required that the sentences be served consecutively, and recommended that Baraldini receive no parole.[28] Because of accumulated good conduct credits, however, Baraldini's mandatory release date is in March 2008.[29]

D. ITALY'S ATTEMPTS TO WIN BARALDINI'S FREEDOM

In 1989, 300 Italian lawmakers, predominately representing the left, began a campaign to win Baraldini's freedom.[30] These lawmakers requested that Italy's President, Francesco Cossiga, ask for a grant of clemency or, at a minimum, deportation to Italy.[31] Emilio Vesce, a Radical party leader, stated Baraldini's release would be a "humanitarian gesture" and that this matter was not about "dealing with questions of guilt or innocence."[32] Supporters cited a variety of reasons to release Baraldini, including claims that she received an excessive sentence, "was not convicted of committing violent acts herself," and received improper medical attention and insufficient exercise while in prison.[33]

This constant pressure by certain Italian lawmakers to reverse the United States position on Baraladini's extradition continued for the next 10 years. For example, Italian President Oscar Luigi Scalfaro "raised the issue with [President Clinton]" during a 1996 visit.[34] In April 1998, Italy requested for the fifth time that Baraldini be allowed to serve out the remainder of her sentence in Italy.[35] The following month, in May 1998, over 200 Italian lawmakers asked Prime Minister Romano Prodi to request Baraldini's

[25] Exhibit 1—Department of Justice statement.
[26] Angela Singer, *Torture of Women Prisoners in America—The Land of the Free,* Universal News Services, May 18, 1990.
[27] *U.S.* v. *Baraldini,* 803 F.2d 776, 777 (2nd Cir. 1986); Exhibit 3—Italian judgment.
[28] *Baraldini,* 803 F.2d at 777.
[29] Exhibit 1—Department of Justice statement.
[30] Clyde Haberman, *Italy Lawmakers Seek U.S. Convict's Release,* the New York Times, Mar. 5, 1989, at A8.
[31] *Id.*
[32] *Id.*
[33] *Id.* In contrast to these claims, however, the Second Circuit held that "Baraldini's sentence was not excessive," *Ferguson,* 758 F.2d at 856, and the D.C. Circuit held that she "personally participated in the violent and criminal activities," *Thornburgh,* 884 F.2d at 620. Baraldini also received medical attention, including "surgery after developing ovarian cancer," while in prison. Angela Singer, *Torture of Women Prisoners in America—The Land of the Free,* Universal News Services, May 18, 1990.
[34] *Deputies Urge Prodi to ask U.S. for Transfer of Italian Prisoner,* Agence France Presse, May 4, 1998.
[35] *Id.*

transfer to Italy.[36] Most of these lawmakers belonged to the ruling center-left party.[37]

Through 1998, however, the United States adamantly refused every transfer request, five refusals in total,[38] to allow Baraldini to serve the rest of her sentence in Italy. The United States based these rejections on a variety of reasons, including the United States' tough stance against terrorism and crime, the severity of Baraldini's crimes, Baraldini's lack of remorse, Baraldini's apparent refusal to cooperate with investigators, and the risk Baraldini would not serve her full term or that she would receive lenient jail treatment in Italy.[39]

E. THE CLINTON ADMINISTRATION'S SUDDEN REVERSAL ON BARALDINI'S REPATRIATION TO ITALY

On February 3, 1998, a United States military jet severed a cable supporting a gondola ascending Mount Cermis near Aviano, Italy.[40] Twenty people were killed in this tragedy.[41] After a United States military aviator was acquitted on 20 counts of involuntary manslaughter, it was reported that an outraged Italian Prime Minster Massimo D'Alema agreed to tone down demands to President Clinton punish those responsible for the accident "if the United States handed over Silvia Baraldini."[42] Prime Minister D'Alema denied the charges in March 1999.[43] However, on April 10, 1999, media outlets reported that anonymous sources said "[t]he United States is considering returning a jailed radical to her native Italy, a gesture that could appease anger over acquittal of an American military pilot in 20 deaths at an Italian ski resort."[44] The reports also stated that Department of Justice officials were making plans to meet with their Italian counterparts to discuss the transfer.[45]

On June 11, 1999, U.S. Ambassador to Italy Thomas Foglietta announced Baraldini's transfer to Italy, stating that "the gesture was 'important' for the American-Italian partnership."[46] Ambassador Foglietta also commented that "I believe that today's agreement will strengthen that partnership."[47] Reports also stated that Baraldini's transfer was a "reward for Italy's unwavering support of NATO during the Kosovo conflict, as well as a way to ease anger over the acquittal of an American military pilot."[48] A Baraldini article in Milan, Italy's newspaper, Il Giorno, began with the head-

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[36] *Id.*
[37] *Id.*
[38] *Id.;* Exhibit 2—Letter from Janet Reno, United States Attorney General, to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998).
[39] Exhibit 2—Letter from Janet Reno, United States Attorney General, to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998).
[40] *D'Alema expects U.S. to Find and Punish Guilty Parties in Cable Car Crash,* the Associated Press Worldstream, Mar. 9, 1999.
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] Anne Gearnan, *U.S. Considers Return of Prisoner to Italy; Gesture Eyed in Light of Gondola Deaths,* the Boston Globe, at A8. See also *U.S. Agrees to Allow Jailed Italian Radical to Finish Term at Home,* Chicago Tribune, June 12, 1999, at 19; *U.S. Might Free Italian Radical: Move Might Appease Anger Over Gondola Deaths,* the Gazette (Montreal), Apr. 10, 1999, at A22.
[45] Anne Gearnan, *U.S. Considers Return of Prisoner to Italy; Gesture Eyed in Light of Gondola Deaths,* the Boston Globe, at A8.
[46] *U.S. Agrees to Allow Jailed Italian Radical to Finish Term at Home,* Chicago Tribune, June 12, 1999, at 19.
[47] *Id.*
[48] *Id.*

line "In Exchange for Cermis."[49] However, the Department of Justice claims Baraldini's release had nothing to do with the Aviano tragedy or Kosovo.[50] The Committee has not determined the administration's underlying motivations for Baraldini's return to Italy.

More than 2 months after Ambassador Foglietta's announcement, the Department of Justice first announced details about the agreement, stating the transfer was a result of "many years of discussion between the United States and Italy."[51] Baraldini would be repatriated to Italy pursuant to the Strasbourg Convention.[52] The Department of Justice found that "[a]s negotiated, [Baraldini's] transfer satisfies the two goals of prisoner transfer set out in the Strasbourg Convention: (1) the ends of justice, in that she will serve out her entire United States sentence in a manner comparable to the service of the sentence in the United States, and (2) the social rehabilitation of the prisoner, in that she will serve the remainder of that sentence in Italy close to her family."[53] Since the United States had refused Baraldini's transfer for 10 years, one must question the sudden reversal in the U.S. position, especially when the same goals could not be met for the 1998 request for transfer.

First, there is legitimate concern as to whether Baraldini will fully serve out her prison sentence in conditions similar to those imposed in the United States. Although news reports claim that Baraldini's transfer was made possible because "[a]n obstacle was removed when an appeals court in Rome formally recognized U.S. prison sentences,"[54] there is still an ever-present concern over Italy's "notoriously lax and leaky prisons."[55] Over the years, the United States has had to "rebuff several Italian governments . . . [for] the tradition of granting amnesties to inmates, including convicted terrorists."[56] Italy's former Ambassador to Moscow, Sergio Romano, believes that the Italian system is a disaster, where "the guilty are left free to roam the streets."[57] Noting his country's failure to "guarantee its citizens justice," Ambassador Romano also warned in 1998 that "it was clear why the Americans have no intention of allowing Silvia Baraldini to serve her prison sentence in

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[49] Ellen Knickmeyer, *Italian Convicted in United States Gets Hero's Welcome on Transfer to Rome,* Associated Press Worldstream, Aug. 25, 1999.

[50] Denise Lavoie, *Imprisoned Italian to be Released Soon,* the Associated Press, Aug. 3, 1999, PM cycle.

[51] Exhibit 1—Department of Justice statement.

[52] If certain criteria are met, the Strasbourg Convention (formally known as the Council of Europe Convention on the Transfer of Sentenced Persons) "allows a foreign national to transfer to his or her home country to serve the remainder of a sentence imposed by the country in which the foreign national committed an offense." Exhibit 1—Department of Justice statement. The United States entered Strasbourg Agreement into force on July 1, 1985.

[53] Exhibit 1—Department of Justice statement.

[54] Larry Neumeister, *Radical Will Serve out Term in Italian Prison,* the Record (Bergen County, NJ), Aug. 25, 1999, at A4.

[55] James P. Pinkerton, *A Tough, if Convenient, Policy on Terrorism,* Newsday, Aug. 31, 1999, at A34. For example, "a Palestinian terrorist—found guilty of murdering an American Jewish tourist during the hijack of the Achille Lauro cruise liner—[escaped] from an Italian prison while on weekend leave." Robert Graham, *Allies at Odds over Extradition,* Financial Times, July 8, 1996, at 9.

[56] *Court Ruling in Rome Clears Way for Italian Woman's Return,* the Associated Press Worldstream, July 9, 1999.

[57] Sergio Romano, *Why Italian Justice is a Disaster,* the European, May 25, 1998, at 28.

Italy."[58] Regardless of the length remaining of Baraldini's sentence, Italian "supporters say they will now press for her release."[59] Furthermore, demonstrating complete disregard for the transfer agreement and Baraldini's crimes, Elizabeth Fink, Baraldini's lawyer in New York, stated that "the only right thing for Italy to do is to free Baraldini."[60]

Examining the agreement made between the United States and Italy pursuant to the Strasbourg Convention, it appears that Italy has already been lax regarding security measures. As part of the transfer, Italy agreed that Baraldini "will continue to be kept in prison in Italy . . . on the conditions agreed, similar to those that exist in the United States[,]" including all conditions of U.S. confinement listed in Appendix B of the Department of Justice's June 4, 1999, letter.[61] Appendix B, Section (a) states "that whenever [Baraldini] is transported outside the prison, she must be handcuffed with a waist chain attached to the handcuffs."[62] Regardless of these conditions, during Baraldini's August 25, 1999, transfer flight from the United States to Italy, Baraldini "complained that U.S. prison officials had put her in chains."[63] The Italian guards were obviously sympathetic to her complaints because Baraldini descended from the plane in Italy "unrestrained"[64] and "[w]ithout handcuffs on her wrists."[65] The Committee hopes that Italy will take better steps to ensure Baraldini fully and fairly serves out her sentence.

Second, the Department of Justice's endorsement of the need for Baraldini to be in Italy, close to her family for social rehabilitation purposes, is not convincing. As recently as 1998, the Department of Justice found that Baraldini's humanitarian reasons for release "were outweighed by the nature of the offenses for which Ms. Baraldini was convicted."[66] Neither the humanitarian reason nor the nature of the offenses changed from 1998 to 1999. Although it is legitimate for a criminal to want family members to visit them in prison, it is well-established that prisoners in the United States have "no right to be incarcerated in any specific institution," and there is no right to be proximate to one's family.[67] It is a concern to the Committee that such a privilege has been extended to a for-

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[58] *Id.* Additionally, the press has reported that "there were suggestions Italy might choose to free her on medical grounds." Ellen Knickmeyer, *Italian Convicted in United States Gets Hero's Welcome on Transfer to Rome,* Associated Press Worldstream, Aug. 25, 1999.

[59] Ellen Knickmeyer, *Italian Convicted in United States Gets Hero's Welcome on Transfer to Rome,* Associated Press Worldstream, Aug. 25, 1999.

[60] *Italy: Jailed Radical's Return Creates Political Storm,* British Broadcasting Corp., Aug. 26, 1999.

[61] Letter from Oliviero Diliberto, Italian Minister of Justice, to Janet Reno, United States Attorney General, (July 28, 1999) (Exhibit 4); letter from James K. Robinson, United States Assistant Attorney General, to Giorgio Lattanzi, General Director, Penal Affairs, Italian Ministry of Grace and Justice, including Appendices A and B (May 25, 1999) and letter from James K. Robinson, United States Assistant Attorney General, to Giorgio Lattanzi, General Director, Penal Affairs, Italian Ministry of Grace and Justice, including Appendices A and B (revised) (June 4, 1999) (hereinafter U.S. Conditions of Confinement) (Exhibit 5).

[62] Exhibit 5—U.S. Conditions of Confinement at 000014.

[63] *Prisoner Welcomed Home,* Palm Beach Post, Aug. 26, 1999, at 9A.

[64] *Id.*

[65] Jorge Pina, *Rights-Italy: Baraldini Returns After 17 Years in U.S. Jails,* Inter Press Service, Aug. 25, 1999. Although this may be a small point, it does not bode well for adherence to the agreement between the United States and Italy.

[66] Exhibit 2—Letter from Janet Reno, United States Attorney General to Giovanni Maria Flick, Italian Minister of Grace and Justice (Apr. 14, 1998).

[67] *Meese,* 691 F. Supp. at 448.

eign terrorist who has committed violent crimes in the United States.

F. BARALDINI'S RECEPTION IN ITALY

The Italian Government provided Baraldini with a grand celebration during her August prison transfer. She flew from New York to Rome on one of the Prime Minister's jets,[68] and was welcomed by Justice Minister Oliviero Diliberto, as well as by a jubilant crowd of 600 throwing flowers and waving hammer-and-sickle flags.[69] Diliberto "called [Baraldini's] return a humanitarian victory over a harsh prison system."[70] Several Italian city governments, including the Palermo city government, even went so far as to call Baraldini "a symbol of injustice," and made her an honorary citizen.[71] She received a hug and roses from Armando Cossutta, head of the Italian Communist party, inside the prison.[72]

Baraldini's greeting outraged a number of Italian politicians, along with some Italian jurists, who saw in the welcome an official blessing of her past by the government of Prime Minister D'Alema, a former communist.[73]

G. SENDING AN INCONSISTENT MESSAGE ON TERRORISM

President Clinton's decision to transfer Silvia Baraldini to Italy before she finished serving her 43-year sentence in the United States raises a number of concerns. In addition to allowing Italian radicals to glorify a violent anti-American terrorist and turn her into a heroine, Baraldini's transfer, like the grant of clemency to members of the FALN, sends an inconsistent message on terrorism.

As with the FALN clemency grant, President Clinton failed to secure any cooperation from Baraldini in solving unsolved crimes. Baraldini also avoided the basic requirement the FALN terrorists had to fulfill to gain clemency: the renunciation of violence.[74] During a jailhouse news conference, however, Baraldini made it clear just how she felt: "I have never repented for what I have done in the past."[75] Overall, the Baraldini decision sends the message that the United States will be lenient with terrorists, and that prisoners do not have to renounce violence against American citizens before being released from American prisons.

[The documents referred to follow:]

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[68] *Italy Jailed Radical's Return Creates Political Storm,* British Broadcasting Corp., Aug. 26, 1999.

[69] *Massive Security Greets the Return of Terrorist to Italy; The Government Said it Gave No Special Treatment to Silvia Baraldini, Who has Served 16 Years in U.S. Jails,* the Orlando Sentinel, Aug. 26, 1999, at A4.

[70] *Id.*

[71] Jorge Pina, *Rights-Italy: Baraldini Returns After 17 Years in U.S. Jails,* Inter Press Service, Aug. 25, 1999; Frances D'Emilio, *Convicted Terrorist Returns To Rome,* the Associated Press Online, Aug. 25, 1999.

[72] *Massive Security Greets the Return of Terrorist to Italy; The Government Said it Gave No Special Treatment to Silvia Baraldini, Who has Served 16 Years in U.S. Jails,* the Orlando Sentinel, Aug. 26, 1999, at A4.

[73] Daniel Williams, *Hero's Welcome for Felon Jolts Italy Out of Doldrums,* the Gazette (Montreal), Aug. 29, 1999, at A6.

[74] *Another Clinton Terrorist Outrage,* the New York Post, Sept. 8, 1999, at 30.

[75] Daniel Williams, *Italy Split as Radical Gets Hero's Welcome; Convicted Felon Returns After Years in U.S. Prison,* the Washington Post, Aug. 28, 1999, at A13.

APPENDIX III
EXHIBIT 1

FOR IMMEDIATE RELEASE

CRM

TUESDAY, AUGUST 24, 1999

(202) 514-2007

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TDD (202) 514-1888

DEPARTMENT OF JUSTICE STATEMENT
REGARDING THE TRANSFER OF SILVIA BARALDINI

The governments of the United States and Italy have agreed to the transfer of inmate Silvia Baraldini, a 51-year-old Italian national who has been living in the United States since 1961, pursuant to the Council of Europe Convention on the Transfer of Sentenced Persons (the Strasbourg Convention). Today, Baraldini's consent to the conditions of the transfer was verified at a hearing before United States Magistrate-Judge Michael H. Dolinger in the Southern District of New York.

Baraldini will now be turned over to Italian authorities, who will transport her to Italy to continue serving her sentence. Under the agreement, she will serve the entire sentence imposed on her by the American courts, but will serve the remainder of that sentence in Italy. It was further agreed that she will serve the sentence in a manner that is similar to that under which she would have served her sentence in the United States.

In September 1983, Baraldini was convicted of racketeering and conspiracy under federal Racketeer Influence and Corrupt Organization (RICO) statutes for her participation in the affairs of a terrorist group. The group committed a series of armed robberies of armored trucks in which two Brinks guards and two Nyack, N.Y., police officers were killed. Baraldini also was convicted of participating in the attempted armed robbery of an armored truck and the breaking out of prison of Joanne Chesimard, a group associate who was serving a life sentence for killing a New Jersey state trooper.

Baraldini was sentenced to 40 years imprisonment for those offenses. In a second, subsequent trial, she was convicted of serious criminal contempt and was sentenced to three additional years in prison. With two brief interruptions before her first trial, Baraldini has been in prison since November 1982. She is scheduled for mandatory release in March 2008 based on her accumulated good conduct time credits.

Baraldini has served approximately 16 years of her sentence. Italy has guaranteed that Baraldini will serve the remaining nine years of her sentence if she is transferred to Italy, and has secured the necessary judicial and executive approvals to enforce that guarantee, including the approval of the conditions and confirmation of the sentence by the Italian Court of Appeals in Rome.

This transfer is the result of many years of discussion between the

United States and Italy concerning Baraldini. As finally negotiated, the transfer satisfies the two goals of prisoner transfer set out in the Strasbourg Convention: (1) the ends of justice, in that she will serve out her entire United States sentence in a manner comparable to the service of the sentence in the United States, and (2) the social rehabilitation of the prisoner, in that she will serve the remainder of that sentence in Italy close to her family.

The Strasbourg Convention allows a foreign national to transfer to his or her home country to serve the remainder of a sentence imposed by the country in which the foreign national committed an offense.

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99-375

APPENDIX III
EXHIBIT 2

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

April 14, 1998

The Honorable Giovanni Maria Flick
Minister of Grace and Justice
Rome, Italy

Dear Mr. Minister:

We have carefully reviewed the application of Silvia Baraldini to transfer to Italy. While we realize that her continued imprisonment in the United States remains a matter of intense interest to the people and the Government of Italy, I regret to advise you that I have denied Ms. Baraldini's most recent request to transfer to Italy under the Convention on the Transfer of Sentenced Persons.

We are, of course, aware of the humanitarian reasons underlying the Strasbourg Convention and of Ms. Baraldini's family situation, and have given them full consideration in evaluating her request. However, these factors were outweighed by the nature of the offenses for which Ms. Baraldini was convicted. She was convicted of being part of a conspiracy which murdered two law enforcement officers and an armored truck guard, and of two other very serious offenses, attempted armed robbery and kidnapping in connection with the escape of a prisoner serving a life sentence for the murder of a police officer, for which she was sentenced to forty years in prison. In addition, she was convicted of serious criminal contempt for refusing to testify before a federal grand jury that was investigating a series of terrorist bombings, and received an additional three year sentence.

In evaluating requests to transfer pursuant to the Convention, the United States always attaches great importance to the severity of the offenses for which the prisoner stands convicted, and the impact on public confidence in the American criminal justice system that would result from an early release of a serious and violent offender in his or her home country after transfer. Ms. Baraldini was deeply involved in the conspiracy. Ms. Baraldini has stated that the tragic death of her sister has caused her to reconsider some of her positions. Nonetheless, her contrition, particularly as concerns her own role, is extremely limited and guarded, and she continues to refuse to cooperate with law enforcement authorities regarding the criminal operations in which she was involved.

While, in all cases, we are mindful of humanitarian concerns, we do not believe that those concerns alone should dictate a decision to transfer. We must also consider whether a transfer would promote public disrespect for the law and send the wrong message to the far too many people throughout the world who use violence in support of ideological goals. I am certain the Government of Italy shares this concern.

As you know, representatives of the Government of Italy have met on a number of occasions with officials of the United States Department of Justice. Each side diligently sought to address the concerns of the other. However, it became clear that the Government of Italy could not offer sufficient guarantees that Ms. Baraldini, if transferred, would serve a sentence approximating that which our courts and United States Parole Commission have decided are appropriate in light of her offenses. This has always been a critical issue in the proposed transfer of Ms. Baraldini.

Despite the long-standing differences between our two countries on this matter, I would like to express again our appreciation for the harmonious relations that exist between our countries in our many other areas of mutual concern. Our ability to work together has produced outstanding results with respect to many other criminal justice issues. Please be assured of our continuing cooperation.

Sincerely,

Janet Reno

Janet Reno

APPENDIX III
EXHIBIT 3

R.G.N. 18/99 SENT. STR.
JUDGEMENT N. 40/99

ITALIAN REPUBLIC
IN THE NAME OF THE ITALIAN PEOPLE

THE COURT OF APPEAL OF ROME
IV° CRIMINAL SECTION

Constituted by the following judges:
1. Chief Judge Tommaso Figliuzzi
2. Judge Giovanni Carlino
3. Judge Serenella Siriaco

The court convened in chambers issued the following:

JUDGEMENT

at the conclusion of the proceeding for the recognition of:
- the foreign judgement issued on 15th February 1984 by the Federal District Court for the Eastern District of New York against Silvia Baraldini (born in Rome on 12th December 1947, currently detained in the U.S.) sentencing her to an overall term of imprisonment of forty years and a fine of $50,000 for the offences of racketeering - conspiracy to carry out affairs of a criminal enterprise through armed, robberies, etc." and "participation in a racketeering enterprise" as provided for in Title 18 of the U.S. Code § 1961 – 1962; and
- the foreign judgement issued on 19th April 1984 by the Federal District Court for the Eastern District of New York sentencing her to a term of imprisonment of three years for the offence of contempt of court provided for in Title 18 U.S. Code § 401,
under the Strasbourg Convention of 21.3.1983, ratified by law n. 334/88, and Article 1 – 1st Title – of Law n. 257 of 3/7/89, containing rules implementing the Convention .

In judgement issued on 15th February 1984 by the Federal District Court for the Eastern District of New York, Silvia Baraldini was sentenced to an overall term of imprisonment of 40 years and a fine of $ 50,000 for the offences of racketeering - conspiracy to carry out affairs of a criminal enterprise through armed, robberies, etc." and "participation in a racketeering enterprise" as provided for in Title 18 of the U.S. Code § 1961 – 1962 (criminal association for the purpose of procuring profits for criminal enterprises by means of robberies,

extortion, kidnapping, break out, armed robbery, attempt to commit armed robberies).
In judgement issued on 19th April 1984 by the Federal District Court for the Eastern District of New York Silvia Baraldini was sentenced to a term of imprisonment of three years for the offence of contempt of court provided for in Title 18 U.S. Code § 401 (refused to render sworn statements and thus could not be heard as a witness).
On 10th June 1999, the Italian Minister of Justice transmitted the file to the Office of the Prosecutor General attached to the Court of Appeal of Rome asking such Office to request the court holding territorial jurisdiction, under Article 732 of the code of criminal procedure, to institute proceedings for the recognition of the aforesaid judgements, so that Ms Baraldini could serve her sentence in Italy, under the Convention on the transfer of sentenced persons signed in Strasbourg on 21st March 1983, ratified by Law n. 334/88, and under Article 1 of the 1° Title of Law n. 257/89.
In his letter of 10th June 1999, the Italian Minister acknowledged that the U.S. Department of Justice had consented to Silvia Baraldini's transfer to serve the remainder of her term of imprisonment in Italy on condition that the total penalty imposed on her in the U.S. "be served to the release date of 29th July 2008, without benefit of any release from confinement and in compliance with the conditions specifically indicated by the U.S. Government and totally accepted, without any reservations, by Ms. Baraldini herself".
In his letter, The Italian Minister, acknowledged that he could "accept the conditions posed by the sentencing State, considering the objective of social rehabilitation - by execution of sentence in the sentenced person's own country – of the Strasbourg Convention of 21st March 1983".
On 15th June 1999, the Office of the Prosecutor General requested the Court to decide on the recognition in Italy of said judgements for the purpose of executing the residual sentence in Italy, and to establish the sentence expiry date under Article 3 of Law n. 257/89, keeping account of the information set forth in the documents attached to the request.
The hearing was set under Article 127 of the code of criminal procedure. At the end of the hearing, the Prosecutor General asked for the recognition of the judgements for the purpose of executing the residual sentence in Italy.
The Prosecutor General himself, asked for the sentence expiry date to be set on 3rd April 2009, on the basis of a maximum penalty of imprisonment of thirty years, the benefits earned (to be calculated under Italian law), and the sentence of imprisonment and term of pre-trial custody in prison already served.
Baraldini's defense agreed with the Prosecutor General's requests.
The Court reserved the right to decide.
It is to be reminded that this Court, in judgement of 3rd May 1991, already recognised the judgement convicting Ms Baraldini to an overall term of imprisonment of 40 years under Article 12 n. 1 and 2 of the Criminal Code (and precisely for the purposes of recidivism and perpetual disqualification from public offices).

The new code of criminal procedure, when regulating the recognition proceedings before the Court of Appeal and the relevant decisions, provides for a judgement of recognition to expressly set forth the effects resulting from said recognition.

Consequently, if a judgement of recognition does not specify all the effects abstractly derivable from said recognition, it cannot be supplemented with a provision indicating all the effects previously left out. A new recognition procedure shall then have to be instituted with the advantage and consequence that all the guarantees applicable by law may be granted, in full abidance with the requirement of hearing the parties and of the defence. In the light of the foregoing, and after having considered the file, the Court believes that all the conditions and requirements provided for in Article 733 of the code of criminal procedure and the Strasbourg Convention of 21st March 1983 (ratified by Law n. 334 of 1988) have been met. Consequently, the aforesaid judgements may be recognised pursuant to the aforementioned Convention and Article 1 of Law n. 257/89 and precisely for the purposes of executing the residual penalty in Italy.

As to the requirements provided for in Article 733 of the code of criminal procedure, which proved to be already fulfilled when the Court proceeded with the recognition under Article 12 n. 1 and 2 of the criminal code, the Court notes that:

a) the aforesaid judgements were issued by the Judicial Authorities of a State party to an international agreement with Italy;
b) the aforesaid judgements have become final under the laws of the sentencing State;
c) the judgements do not contain provisions contrary to the fundamental principles of the Italy's legal system;
d) the judgements were issued by an independent and impartial court;
e) the defendant was assisted during the trial by a defence counsel and she was heard in a language she understood;
f) there are no reasons to believe that considerations relating to race, sex, religion, nationality, language, political opinions or personal or social conditions affected the trial and its outcome;
g) the facts she was charged and convicted on are prescribed as crimes under Italian law and are provided for in Articles 416 - 56 – 628, 2° paragraph – 629 2° paragraph - 605 – 385 – 372 of the criminal code;
h) there is no criminal proceeding pending in our State nor has a final judgement been issued for the same facts and against the same person.

As to the conditions required by the Strasbourg Convention, it is to be preliminarily noted that, having both the sentencing and administering States signed the Convention, the provisions therein prevail over those of the procedural code, under Article 696 of the code of criminal procedure.

Article 3 of the Convention provides that a sentenced person may only be transferred on the following conditions:

a) if that person is a national of the administering State;
b) if the judgement is final;
c) if the sentenced person still has at least six months to serve;

d) if the Sentencing State and the administering State both agree to the transfer,
e) if the transfer is consented to by the sentenced person;
f) if the facts on account of which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory.

Actually there is no doubt that in this case all the conditions provided for by Art. 3 of the Convention have been met.
Ms Baraldini - an Italian citizen – was convicted (judgements have become final) in that found guilty of criminal acts which constitute offences also under Italian law (and which correspond – as was already said – to the offences of criminal association, attempted aggravated robbery, aggravated robbery, aggravated extortion, kidnapping, break-out and perjury, as provided for by articles 416 – 56 – 628 2nd paragraph, 629 2nd paragraph - 605 – 385 – 372 of the Criminal Code).
The sentencing State and the administering State reached an agreement as to the transfer; Ms Baraldini consented voluntarily to her transfer and had full knowledge of the legal consequences of her transfer and the execution in our State of the sentence imposed on her by the sentencing State. Lastly, she has more than six months' imprisonment to serve.
As to the recognition of a foreign judgment for the purposes of its execution in Italy, it must be said that as per Art. 735 of the Code of Criminal Procedure when a Court of Appeal recognizes a judgment, it also fixes the sentence remaining to be served in Italy.
However, such provision has to be coordinated and harmonized with those contained in Arts. 9 and 10 of the Strasbourg Convention – which, as was said before, prevail over the code of criminal procedure – and in particular with Art. 10 which is expressly referred to in Art. 3 of Law no 257/89, covering the implementation of international conventions on the execution of criminal judgments.
According to Art. 10, in case of continuation of the enforcement, the administering State is bound by the legal nature and the duration of the sentence imposed by the sentencing State and only in case of incompatibility with the law of the administering State, can it adapt the penalty to the punishment prescribed for a similar offence by its own law.
Since Italy, when filing the instrument of ratification, opted for the continued enforcement as per Art. 9 – 1st para letter A) of the Strasbourg Convention instead of the conversion of sentence, the Italian State is bound by the legal nature and duration of the sentence imposed by the sentencing State.
Nor can it be argued that they are incompatible with the laws of the Italian State.
Actually, the Government of the United States consented to Ms. Baraldini's transfer to Italy on condition she stay in prison until 29th July 2008.
This condition – which Ms. Baraldini accepted without any reservations when she consented to her transfer – can be easily accepted by Italy, and such date can be fixed as the sentence expiry date.

Actually if it is true that in theory Ms. Baraldini was sentenced to an overall term of imprisonment of 43 years, it is also true that the sentencing State when establishing the sentence expiry date of 29th July 2008, after having deducted the period of pre-trial custody in prison, the term of imprisonment already served, and the benefits earned and those that she is earning (see as to this point the document transmitted by the U.S. Department of Justice stating that "Ms. Baraldini, given the benefits she has already earned and the maximum benefits she could earn thanks to her good conduct according to the penitentiary rules, cannot be released before 29th March 2008, date then deferred to 29th July 2008, as specified in another document) has in practice established a much shorter sentence than the one imposed in the judgements for which recognition is requested; this sentence falls within the period of 30 years provided for as the maximum term for temporary custodial sentences in the Italian legal system, and the maximum sentence prescribed by the Italian criminal code for the same facts as those for which Ms. Baraldini was convicted.

Nor can it be objected that in compliance with Art. 9 of the Strasbourg Convention, the enforcement of a judgment is governed by the law of the administering State and that that State alone is competent to take all appropriate decisions, as such provision has to be interpreted in a way that the conditions of confinement must necessarily be those of the administering State and not that at this stage the provisions changing the sentence remaining to be served imposed by the sentencing State apply. The only exception is that a sentence must not be in contrast with the principles set out in our legal system, and this is not the case.

On the other hand, we must always keep in mind that, under the Strasbourg Convention, an agreement between the States is a fundamental condition for transfer and that the States are free to agree or not to agree.

As a consequence it is possible for the States, when setting out the conditions for transfer, to include conditions whose compliance is to be guaranteed by mutual commitments. Such conditions shall be considered fully lawful if they are not in contrast with the legal systems of the two States.

Our opinion is supported by the provisions provided for in Articles 12 and 15 of the Strasbourg Convention, specifying that the administering State is to provide information to the sentencing State concerning the enforcement of the sentence and is also entitled to grant pardon or amnesty in accordance with its Constitution or other laws.

These provisions show how the sentencing State exercises control and supervision powers on the execution of the sentence.

To conclude, going back to Ms. Baraldini's consent, the conditions she accepted when giving and signing her consent to obtain her transfer to Italy do not affect the validity thereof.

In this respect, the scope of the Convention is to facilitate the transfer of foreign sentenced persons to their respective countries and the criminal policy particularly stresses the social rehabilitation of sentenced persons.

And considering that this policy is essentially based on humanitarian considerations and the return of sentenced persons to their countries is both in the interest of the inmates and of the Governments, it is preferable that the sentence

imposed against the author of a crime be served in the author's country rather than in the sentencing State.
In consideration of the aforesaid interests, we cannot deny the lawfulness of a transfer that implies the continuation of enforcement for the time and under the conditions imposed by the sentencing State.
Furthermore, in this case, the sentencing State, when establishing the sentence, also took account of the reductions for earned benefits and those she is earningn , thus deciding in "bonam partem" for the sentenced person.
In the light of the foregoing, the Court of Appeal of Rome recognises the foreign judgements issued against Silvia Baraldini and indicated above, under the conditions set forth by the United States and accepted by Ms. Baraldini when she consented to her transfer, and establishes that the sentence expiration date is 29th July 2008.

FOR THE AFORESAID REASONS

Considering Articles 730 et seq. of the code of criminal procedure;
Considering the Convention Strasbourg Convention on the transfer of sentenced persons of 21.3.1983, ratified by law n. 334/88, Law n. 257 of 3/7/89, containing rules for the implementation of International Conventions on the execution of criminal judgements;

Hereby states that it recognises
- the foreign judgement issued on 15th February 1984 by the Federal District Court for the Eastern District of New York against Silvia Baraldini (born in Rome on 12th December 1947, currently detained in the U.S.) convicting her for the offences of racketeering - conspiracy to carry out affairs of a criminal enterprise through armed, robberies, etc." and "participation in a racketeering enterprise" as provided for in Title 18 of the U.S. Code § 1961 - 1962 and sentencing her to a total term of imprisonment of forty years and a fine of $50,000; and
- the foreign judgement issued on 19th April 1984 by the Federal District Court for the Eastern District of New York for the offence of contempt of court provided for in Title 18 U.S. Code § 401 and sentencing her to a term of imprisonment of three years.

for the purposes of executing in Italy the residual sentence imposed in the aforesaid judgements, under the conditions set forth by the United States and accepted by Ms Baraldini when she consented to her transfer,
and establishes that the sentence expiry date shall be 29th July 2008.
So decided in Rome, in chambers, on 7th July 1999

The drafting Judge
Serenella Siriaco

The Chief Judge
Tommaso Figliuzzi

Filed with the clerk's office on 9th July 1999. Signature of the Clerk:

The Court of Appeal of Rome, by order of 20th July 1999, orders the correction as per the provision reported below:

WHEREFORE

Having seen Article 130 of the code of criminal procedure,
it orders the correction of the material error contained – on page 1 and page 10, respectively - in the heading and in the decision of the sentence of recognition of foreign sentences issued on 7 July 1999 by the Court of Appeal of Rome with regard to Silvia Baraldini, born in Rome on 12 December 1947, in the sense that where "Foreign sentence issued on 15 February 1984 by the Federal District Court for the Eastern District of New York" is written, this shall be understood as "Foreign sentence issued on 15 February 1984 by the Federal district Court of the Southern District of New York".
It is instructed that the present order be annotated on the original of the sentence issued on 7 July 1999 which declared the recognition of the foreign sentences issued against Silvia Baraldini, born in Rome on 12 December 1947.
Thus decided in chambers, in Rome on 20 July 1999.

The Judge/Compiler
(signed) Serenella Siriaco
The President of the Court
(signed) Tommaso Figliuzzi

Filed with the Court's clerk on 20th July 1999
Signed by the clerk: Gabriele Galeazzi

Rome 20 July 1999

This judgement become final on 27th July 1999
Rome, 28th July 1999
Signed by the clerk. Gabriele Galeazzi

Various seals of the Court of Appeal of Rome

A TRUE TRANSLATION

Ida Zadotti
(TRANSLATOR)
Ida Zadotti

R.G.N. 18/99 SENT.STR.

THE COURT OF APPEAL OF ROME
CRIMINAL SECTION IV

formed by the following Judges :

1. Tommaso FIGLIUZZI, President
2. Giovanni CARLINO
3. Serenella SIRIACO

Meeting in chambers, has issued the following :

ORDER

on the request for the correction of the material error contained in the sentence issued on 7 July 1999 by the Court of Appeal of Rome whereby recognition was declared, for the purposes foreseen in the Strasbourg Convention of 21.3.1983, ratified by Law no. 334/88, and in accordance with Art. 1 - Title One - of Law no. 257 of 3.7.89, containing the provisions for the enactment of the Convention, of the foreign sentence issued on 15.2.1984 by the Federal District Court for the Southern District of New York, against Silvia BARALDINI, born in Rome on 12.12.1947 - presently in custody in the USA - with which she was found guilty of the crimes of "racketeering, conspiracy to carry out affairs of a criminal enterprise through armed robberies, etc." and "participation in a racketeering enterprise" as foreseen in Title 18 of US Code § 1961 - 1962, and sentenced to the

total penalty of forty years' imprisonment and a fine of $ 50,000 ; and of the foreign sentence issued on 19.4.1984 by the Federal District Court for the Eastern District of New York, with which Baraldini was found guilty of the crime against the Administration of Justice foreseen in Title 18 US Code § 401 and sentenced to the penalty of three years' imprisonment.

Whereas with the sentence issued on 7 July 1999 by the Court of Appeal of Rome recognition was declared of the foreign sentences issued respectively on 15 February 1984 by the Federal District Court for the Southern District of New York, and on 19 April 1984 by the Federal District Court for the Eastern District of New York against Silvia Baraldini, born in Rome on 12 December 1947.

And whereas in the heading and in the decision of the last-mentioned sentence it has erroneously been written - on page 1 and page 10, respectively - that the foreign sentence of 15 February 1984 was issued by the Federal District Court for the Eastern District of New York instead of the Federal District Court for the Southern District of New York, as results unequivocally from the whole documentation existing on the files and from the grounds of the sentence of recognition.

And whereas, being a question of a material error that does not entail nullity and whose elimination does not entail an essential amendment to the act, the correction thereof may

be ordered - as requested by Barandini's defence and by the State Attorney General - in the sense that where "Eastern District of New York" is written, with reference to the foreign sentence of 15 February 1984, this shall be understood as "Southern District of New York"

WHEREFORE

Having seen Art. 130 of the Code of Criminal Procedure,
it orders the correction of the material error contained - on page 1 and page 10, respectively - in the heading and in the decision of the sentence of recognition of foreign sentences issued on 7 July 1999 by the Court of Appeal of Rome with regard to Silvia Baraldini, born in Rome on 12 December 1947, in the sense that where " Foreign sentence issued on 15 February 1984 by the Federal District Court for the Eastern District of New York" is written, this shall be understood as "Foreign sentence issued on 15 February 1984 by the Federal District Court of the Southern District of New York".
It is instructed that the present order be annotated on the original of the sentence issued on 7 July 1999 which declared the recognition of the foreign sentences issued against Silvia Baraldini, born in Rome on 12 December 1947.
Thus decided in chambers, in Rome on 20 July 1999.

The Judge/Compiler

(signed) Serenella Siriaco

The President of the Court

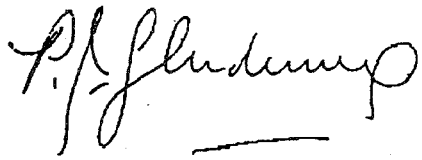
(signed) Tommaso Figliuzzi

Deposited in the Court Clerk's Office on 20.7.99

The Court Clerk (signature illegible)

SEAL of the Court of Appeal of Rome

A true translation.



APPENDIX III
EXHIBIT 4

Il Ministro di Grazia e Giustizia

Roma, 28 LUG. 1999

It is with great satisfaction that I inform you that the Appeals Court of Rome on July 7, 1999, issued the sentence of recognition - for purposes of the carrying out in Italy of the residual punishment on the conditions agreed with the Department of Justice - of the United States sentences pronounced against the prisoner Silvia Baraldini.

With the request for recognition presented to the Appeals Court of Rome, as stated by the Court itself in its sentence, I have expressly and formally undertaken, in my capacity as Minister of Justice and in the name of the Government which I represent in this function, all the conditions requested by the United States Department of Justice and indicated in the pronouncement by the Italian Judicial Authority.

Therefore, Silvia Baraldini will continue to be kept in prison in Italy for the time established, until March 29, 2008 - the data subsequently determined by the Department of Justice on the basis the calculation of the punishment served and of the reductions already obtained and to be accrued in accordance with United States law - on the conditions agreed, similar to those that exist in the United States.

In confirming the content of the letter dated June 5, 1999, sent by President Giorgio Lattanzi, Director General of Penal Affairs, to Mr. James K. Robinson, Assistant Attorney General, I renew the undertaking to respect all the conditions communicated by Mr. Robinson, with his letter of May 31, 1999, to President Lattanzi, and listed in Annexes A and B.

==========

Mrs. Janet Reno
U.S. Attorney General
U.S. Department of Justice
Washington D.C.

Silvia Baraldini has confirmed her desire to be transferred to Italy, accepting totally and without any reservations the conditions fixed by the United States of America, after having been informed thereof and fully aware of the juridical consequences stemming therefrom.

The Directorate General of Penal Affairs will make provision, following the normal practise, to transmit to the Department of Justice a copy of the sentence of the Appeals Court of Rome, which became enforceable on July 28, 1999, and the order of execution of punishment issued by the State Attorney General attached to said Appeals Court, and to agree on the times and modalities of the handing over of Silvia Baraldini to the Italian Authorities.

I am profoundly satisfied at the positive conclusion of the procedure to transfer Silvia Baraldini to Italy, which is a significant expression of the excellent development of relations of judicial cooperation between our countries.

Oliviero Diliberto

APPENDIX III
EXHIBIT 5

U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, DC 20530-0001

May 25, 1999

Giorgio Lattanzi
General Director, Penal Affairs
Ministry of Grace and Justice
Via Arenula, 70
00186 Rome, Italy

Re: Proposed transfer of Silvia Baraldini (Reg. No. 05125-054) to Italy pursuant to the Convention on the Transfer of Sentenced Persons (the Strasbourg Convention)

Dear Mr. Lattanzi:

It was a great pleasure to meet with you on April 20, 1999, in Washington, DC. I appreciate the time, effort, and creativity that you have brought to this extremely difficult problem, demonstrated both by your willingness to travel to Washington and by the new initiative that you have proposed.

As we discussed at our meeting, the Department of Justice is prepared to approve the sixth request for the transfer of Silvia Baraldini to Italy to serve the remainder of her sentence if Italy will guarantee that she will serve her prison sentence in a manner approximating that under which she would continue to serve her sentence in the United States. You have asked us to set forth as precisely as possible the guarantees that must be agreed to by the Government of Italy before the United States would be willing to transfer Ms. Baraldini. These guarantees, which we discussed during our meeting, are set out in Appendix A to this letter. You have also asked us to provide a detailed statement of the conditions under which Ms. Baraldini is currently incarcerated in the United States, which you have agreed will be, to the maximum extent that they can be duplicated, the conditions under which Ms. Baraldini will be incarcerated in Italy. That statement is included as Appendix B. We understand that meeting some of the conditions set out in the appendices would require the concurrence of the court system of Italy and that such concurrence would be applied for and obtained prior to any transfer. We further understand that, while some of the guarantees and conditions of confinement set forth in the appendices may not be consistent with Italy's philosophy of penology, the United States and Italy agree that these conditions

nonetheless will govern Ms. Baraldini's incarceration in Italy if she is transferred

I am pleased that our discussions will have led to an agreement that satisfies the joint requirements under the Strasbourg Convention of the ends of justice and the social rehabilitation of Ms. Baraldini. I am also pleased that this tentative agreement also satisfies important international and domestic concerns of both Italy and the United States.

I would once again like to thank you for your willingness to deal with an old problem in a new and innovative way, and for your very pragmatic and cooperative approach to our discussions.

Sincerely,

James K. Robinson
Assistant Attorney General

U.S. Department of Justice

Criminal Division

Assistant Attorney General *Washington, DC 20530-0001*

June 4, 1999

Giorgio Lattanzi
General Director, Penal Affairs
Ministry of Grace and Justice
Via Arenula, 70
00186 Rome, Italy

Re: Proposed transfer of Silvia Baraldini (Reg. No. 05125-054) to Italy pursuant to the Convention on the Transfer of Sentenced Persons (the Strasbourg Convention)

Dear Mr. Lattanzi:

Attached are the revised appendices with very minor changes as we have discussed. It is our understanding that, if Ms. Baraldini's mother passes away before the end of her confinement, Ms. Baraldini could be allowed by Italian prison officials to attend the funeral of her mother on the condition that she be accompanied by correctional officers.

Sincerely,

James K. Robinson
Assistant Attorney General

Appendix A

Guarantees to be agreed to by the Government of Italy prior to the transfer from the United States of Silvia Baraldini

1. That competent Italian courts agree that the sentence imposed on Ms. Baraldini in the United States is to be served to its current mandatory release date of July 29, 2008, without benefit of any release from confinement except as described below.

2. That this sentence be exempt from any parliamentary pardon for terrorists, transferees, or other prisoners.

3. That the Minister of Grace and Justice designate that the sentence be served in an Italian penal institution of the type where women convicted of terrorist offenses are incarcerated, with a perimeter fence beyond which the prisoners are not allowed to go at any time, and that United States officials be given an opportunity to inspect, before the transfer, the Italian institution where Ms. Baraldini would be designated to serve her sentence if transferred.

4. That Ms. Baraldini's conditions of confinement correspond as closely as possible to those in the United States. These conditions are discussed in Appendix B and apply to similarly situated federal female prisoners irrespective of nationality, and would become part of our understanding.

The United States appreciates that, in the ordinary case of a prisoner transfer conducted under the Strasbourg Convention, post-transfer conditions of confinement and determination of security requirements are decided by the Administering State. We must emphasize, however, that the United States expects that Ms. Baraldini will be confined under conditions appropriate for an individual convicted of terrorist-type offenses. In recognition of the differences in our penal systems and the unusual posture of this matter, the United States requests that Italy advise it before final approval is given for this transfer of any way in which Ms. Baraldini's conditions of confinement would differ from those set out in Appendix A or in Appendix B.

5. That the sentence be served without benefit of any release from prison, even for short periods. This would include weekend passes, holidays, furloughs of any kind, family visits of any kind, work release, conditional release of any kind, including probation or confinement in less-restrictive surroundings, or any other off-site visits or activities.

6. That in the event of any illness, Ms. Baraldini would remain incarcerated in a prison medical facility, rather than at an off-site facility, and that any medical problem would be treated as it would be treated were Ms. Baraldini continuing to serve her sentence in the United States, as set out in Appendix B, at paragraph e.

7. That all of these conditions apply even though similarly situated individuals convicted and imprisoned in Italy might be treated differently or accorded some or all of the benefits for which Ms. Baraldini will not be eligible.

8. That Ms. Baraldini agree in advance to all these conditions, and that the transfer not take place until a final order confirming these conditions has been issued by the appropriate court and the time for appeal of that order has elapsed.

9. That these conditions be guaranteed, each in its own competence, by a court judgment and sentence which can no longer be appealed by any party, and by the Ministry of Grace and Justice.

10. That the Ministry of Grace and Justice will not request a presidential pardon for Ms. Baraldini. [The United States understands from representations of the Government of Italy on April 20, 1999, that, therefore, a presidential pardon cannot be granted.]

11. That it is understood that the totality of this agreement binds the State of Italy, and not merely the current Government of Italy, and that should any of these conditions not be fulfilled, the transfer agreement will be deemed void, and Italy and Ms. Baraldini will agree, without recourse, to a request by the United States to return Ms. Baraldini to the United States to serve the remainder of her term, and that Italy further agrees that Ms. Baraldini will not be released from custody by Italy pending the adjudication or other resolution of such a request.

12. That Italy and the United States will jointly report the resolution of this matter to the European Committee on Crime Problems (CDPC) of the Council of Europe.

Appendix B

Current conditions of confinement for Silvia Baraldini

a. Security and Confinement Levels: Baraldini's custodial level is "in," meaning that whenever she is transported outside the prison, she must be handcuffed with a waist chain attached to the handcuffs and be accompanied by correctional officers. If the warden deems it necessary to insure security, the warden has the authority to order the use of leg irons and to require that the accompanying correctional officers be armed and wear protective vests. While her crimes are at the greatest level of severity, her security level is currently "low," reflecting the other, non-offense, factors that go into determining an inmate's security level. These factors include the length of time Baraldini has already served, her lack of disciplinary problems, and the absence of drug or alcohol involvement.

b. Housing: Baraldini is currently housed in a two-person dormitory cubicle, with two separate beds, located in a larger building ("unit"). While the units are individually locked, the living area is in an open dormitory setting. Bath and recreational areas are available in the units. Lights are turned out at 11 p.m., but there is enough low light in the common areas so that inmates can go to the bathroom at night (and so that the area can be supervised).

c. Daily regime: All inmates except those excused for medical reasons are required to work full-time or participate in vocational training or an educational program with a part-time work assignment. Inmates spend approximately ten to eleven hours a day in their housing area. The approximate time in work and/or educational assignments is seven hours a day, five days a week. The remaining hours are used for recreational activities, religious services, or participation in nonmandatory education programs that are offered in the evening. All inmates receive two days a week as non-work days, and these days can be used for religious, recreational, or other leisure activities. Baraldini is currently assigned to the Adult Continuing Education Department as a tutor, and she is allowed to offer courses to the inmates.

d. Visitors: Inmates are offered visiting privileges five days a week (Thursday and Friday from 12:30 p.m. to 8 p.m., Saturday, Sunday, Monday, and all federal holidays from 8:30 a.m. to 3 p.m.); visiting privileges are restricted if an inmate is found guilty of violating institution rules (currently there are no restrictions placed on Baraldini's visiting privileges). Normally, three adult visitors and a reasonable number of children are allowed to visit at one time. Non-family visitors

are allowed to visit; however, criminal background checks are routinely conducted. The institution is accessible for handicapped visitors. The institution allows contact visits. However, there are no provisions for conjugal visits in any federal prison.

e. Health: In all federal prisons, routine medical sick call is available to all inmates. Specialized health clinics are also available. Critical medical cases are referred to Bureau of Prisons medical facilities (this happened when Baraldini was successfully treated for ovarian cancer). All inmates are offered medical treatment through the prison's Health Services Department or contract health care professionals. Inmates may accept or refuse treatment, and may file a grievance through the Administrative Remedy Appeal process if they are not satisfied with their medical treatment. There are no provisions for private medical visits.

f. Community Placement and Furloughs: "Community" custody, that is, custody allowing for furloughs and other unsupervised trips outside the prison facility to look for housing and employment after incarceration at the end of an inmate's sentence, can be a component of a correctional plan for reintegration into the community. Until and unless the inmate is placed in "community" custody, the inmate is ineligible for any furloughs and other unescorted off-site visits; an inmate assigned "in" custody is not permitted to go alone beyond the institution's perimeter fence. "Community" custody is always discretionary, and never mandatory. Baraldini, as an Italian national who has been ordered deported, is not eligible for "community" custody. However, according to the Bureau of Prisons, even if Baraldini were going to be released into American society at the conclusion of her sentence, the terrorist-related nature of the crimes for which she was convicted means that she almost certainly would not be placed in "community" custody and would therefore remain in "in" custody until her mandatory release date.

DISSENTING 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. ELEANOR HOLMES NORTON, HON. CHAKA FATTAH, HON. ELIJAH E. CUMMINGS, HON. DENNIS J. KUCINICH, HON. DANNY K. DAVIS, HON. JOHN F. TIERNEY, HON. THOMAS H. ALLEN, HON. HAROLD E. FORD, JR., AND HON. JANICE D. SCHAKOWSKY

We have differing views about the wisdom of the President's August 11, 1999, decision to grant clemency to 16 Puerto Rican nationalists. Some of us support the President's decision. Many of us oppose the decision and have voted for a resolution opposing the decision.[1] However, we are united in our view that the majority's report reaches unsubstantiated conclusions.

The majority report errs by transforming legitimate differences of opinion into allegations of wrongdoing and personal attacks. The majority report finds that the President "use[d] the immense power of his office to mislead." It accuses clemency supporters of engaging in "a calculated effort to mislead people." It repeatedly characterizes legal and legitimate actions as "inappropriate." These findings and allegations are not supported by the record before the Committee. We therefore dissent from the majority report.

I. THE PRESIDENT'S CLEMENCY DECISION

The President's power to commute sentences stems from the pardon power granted to the President in Article 2, Section 2 of the Constitution.[2] That power is exclusive and absolute, and not subject to any restrictions from the Congress. The Supreme Court has held that the pardon power "flows from the Constitution alone, not from any legislative enhancements, and . . . cannot be modified, abridged, or diminished by Congress."[3]

On August 11, 1999, President Clinton used this power to offer to commute the prison sentences of 16 individuals convicted of various criminal offenses relating to their involvement in two radical Puerto Rican independence organizations. The clemency offers were conditioned on the prisoners' willingness to renounce violence and accept certain restrictions on their freedom of travel and association.

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[1] On Sept. 9, 1999, the House of Representatives voted 311–41 (with 72 members voting "present") for H. Con. Res. 180 expressing the sense of the House that the President should not have granted clemency to the 16 individuals in question. On Sept. 14, 1999, the Senate voted 95–2 for S.J. Res. 33, similarly disagreeing with the President's decision.

[2] The President "shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment."

[3] *Schick* v. *Reed,* 419 U.S. 256, 266 (1974).

In a letter to Representative Waxman on September 21, 1999, President Clinton explained the rationale for his decision.[4] He stated that "the prisoners were serving extremely lengthy sentences—in some cases 90 years—which were out of proportion to their crimes." He explained: "whatever the conduct of other FALN members may have been, these petitioners—while convicted of serious crimes—were not convicted of crimes involving the killing or maiming of any individuals. For me, the question, therefore, was whether the prisoners' sentences were unduly severe and whether their continuing incarceration served any meaningful purpose." The President stated that in his view, "equity and fairness dictated" that their sentences be reduced.

The President also stated that he "rejected" the argument that the prisoners were political prisoners or prisoners of conscience. He made clear that "no form of violence is ever justified as a means of political expressions in a democratic society based on the rule of law."

In addition, the President stated that there had been an active and lengthy campaign on behalf of the prisoners. He observed that "various Members of Congress, a number of religious organizations, labor organizations, human rights groups, and Hispanic civic and community groups supported clemency. The petitioners also received widespread support across the political spectrum within Puerto Rico."[5] He also noted that "the petitioners received worldwide support on humanitarian grounds from numerous quarters" including such prominent figures as former President Jimmy Carter, Archbishop Desmond Tutu, and Coretta Scott King.

Finally, the President disputed accusations that he had not taken opposing views into account. He stated that he had "sought and considered the views of the Department of Justice." He also stated: "Press reports note that certain Federal Bureau of Investigation and Justice Department officials . . . were opposed to clemency. I did not dismiss those concerns, as some have implied. Rather, I carefully weighed them." He also recognized that "there are victims of FALN-related violence who feel strongly that these individuals . . . should serve the full sentences imposed."

II. The Merits of the Clemency Decision

The merits of the President's decision are debatable. Some independent observers have supported the decision. For example, the editorial board of the Washington Post wrote:

> Whatever the President's motives, the case for clemency is strong. . . . the people in question were charged with and convicted of serious crimes . . . But they were crimes in which nobody was hurt or killed. Their sentences on each count, moreover, were imposed consecutively, meaning that their total sentences range as long as 90 years in

[4] Letter from President Clinton to Representative Henry Waxman (Sept. 21, 1999). The President's letter is attached to these views as Exhibit 1.

[5] Documents obtained by the Committee indicate that the Members of Congress who lobbied for clemency included Representatives Jose Serrano, Nydia Velazquez, Luis Gutierrez, Charles Rangel, Danny Davis, Eliot Engel, Maxine Waters, Patsy Mink, and Bobby Rush. Letters from these Members, as well as other materials from clemency supporters, are attached to these views as Exhibit 2.

> prison. This is very difficult to justify, especially when compared with other sentences in similar cases.[6]

Others have raised serious doubts about the decision. At the September 21, 1999, hearing, Representative Henry Waxman, the ranking minority member, released a draft letter from the FBI Director, Louis J. Freeh, that criticized the decision.[7] According to the draft letter released by Representative Waxman: "the FBI has consistently advised the Department of Justice (DOJ), in writing, that the FBI was opposed to any such pardon and/or commutation of sentences for any of these individuals. . . . DOJ was also advised the FBI had reason to expect the release of these individuals would 'psychologically and operationally enhance' the ongoing criminal activities of Puerto Rican terrorist groups. The FBI also pointed out that any such pardon of the 'currently incarcerated terrorists would likely return committed, experienced, sophisticated and hardened terrorists to the clandestine movement.' "

Ultimately, any decision to grant clemency requires the exercise of judgment in weighing the arguments for and against clemency. Under the Constitution, that judgment is entrusted to the President. While some of us may disagree with the President's decision to grant clemency to these 16 individuals, we have not seen any evidence that contradicts the view that the President's judgment was made in good faith and on the merits.

III. THE MAJORITY'S ALLEGATIONS

Soon after the clemency offers were made, many Republican leaders alleged that the President's decision was intended to boost the potential New York Senate campaign of First Lady Hillary Clinton. Appearing on NBC's "Meet the Press," Chairman Burton stated: "The President should not be pardoning these people under any circumstances, and there's some indication it may be for political purposes. . . . [H]is wife is running for—may be running for the United States Senate in New York, and there's a large Puerto Rican constituency up there. And there's a lot of people in Washington that are questioning whether or not this is related to that."[8]

Other Republican leaders made similar claims. According to Senator Orrin Hatch, chairman of the Senate Judiciary Committee, "almost anybody with brains would conclude" that the clemency offers were designed to help the First Lady's senatorial campaign.[9] Senator Phil Gramm, chairman of the Senate Banking Committee, said that "[t]his was an effort by the President, by the First Lady, to manipulate politics in New York."[10]

Although the majority's report is voluminous, it does not contain evidence linking the President's decision to a desire to boost the Senate campaign of the First Lady. As an investigative body, this Committee should limit its findings to the evidence gathered during the investigation. Based on what the Committee has learned to

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[6] *Puerto Rican Clemency,* Washington Post (Sept. 10, 1999).

[7] Draft letter from Louis J. Freeh to Representative Henry Hyde, Justice Department Document production 001951–001952. The letter appears to be a draft response to an inquiry from Judiciary Committee Chairman Henry Hyde regarding the clemency decision. It is not signed.

[8] "Meet the Press," NBC News (Aug. 29, 1999).

[9] "Fox News Sunday," Fox News (Sept. 19, 1999).

[10] "This Week," ABC News (Sept. 5, 1999).

date, the record does not substantiate the allegations related to the First Lady's possible Senate campaign.

The majority report also contains numerous other unsubstantiated allegations. For example, it alleges that "the President use[d] the immense power of his office to mislead." It also alleges at various points that the actions taken by White House staff in this matter were "inappropriate," "troubling," and "disturbing." These allegations are not supported by the evidence.

The record before the Committee does not support the allegation that the President sought to mislead the public about the rationale for his decisions. Instead, to support this allegation, the majority report relies on legitimate disagreements over the harshness of the sentences received by the 16 prisoners and the relative severity of the crimes they committed. While these disagreements are intensely argued by clemency supporters and opponents, they are not evidence that the President used "the immense power of his office to mislead."

The majority report also attempts to label various legitimate and routine actions as "inappropriate," "troubling," and "disturbing." For example, the majority report notes that participants at a White House meeting on the clemency issue described clemency as a "high priority PR [Puerto Rico] issue." The majority report suggests that "[t]his indicates a level of political calculation that is troubling." The fact that White House staff were aware that the prisoners were a major issue in the Puerto Rican community is not "troubling"—indeed, it would be more troubling if the President's staff were ignorant of that fact.

In another instance, the majority report notes that the Deputy Attorney General asked the Pardon Attorney to inquire with a congressional supporter of clemency into the status of obtaining statements from the prisoners expressing repentance for their crimes. It then goes on to characterize this request as a "highly inappropriate." Obtaining statements of repentance from the prisoners, however, is an entirely legitimate request, particularly given the President's decision to condition clemency on the prisoners' willingness to renounce violence.

In sum, instead of simply disagreeing with the President's decision on the merits, the majority report attempts to transform legitimate criticisms of the President's decision into unsubstantiated allegations. The majority report concludes by asserting that the President's decision should be viewed with a "presumption of impropriety." Impropriety, however, should be demonstrated, not presumed.

IV. The President's Assertion of Executive Privilege

The majority report criticizes the President for invoking executive privilege over a small number of documents relating to his decision. We disagree with this criticism and believe that the President's assertion of executive privilege in this case was entirely proper.

In September 1999, Chairman Burton issued multiple subpoenas to the White House and the Department of Justice demanding documents relating to the President's decision to grant clemency to the

16 Puerto Rican nationalists.[11] In response to these subpoenas, the Executive branch produced approximately 10,000 pages of documents.

At the request of the President, however, Attorney General Janet Reno reviewed a number of other documents relating to internal deliberations among staff, recommendations to the President, and the President's decisionmaking to determine if this material was subject to a proper assertion of executive privilege.[12] The Attorney General concluded that the White House could properly assert executive privilege over those documents.[13] This interpretation appears to be supported by legal standards and historical precedents.

The concept of executive privilege was first invoked by President George Washington.[14] More recently, executive privilege has been asserted by Presidents Eisenhower, Kennedy, Nixon, Ford, Carter, Reagan, and Bush.[15] The Supreme Court explicitly addressed the issue of executive privilege in 1974 in *United States* v. *Nixon.* In recognizing the privilege, the unanimous court articulated the reasons and constitutional basis behind such a privilege:

> [T]he importance of this confidentiality is too plain to require further discussion. Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decision making process. Whatever the nature of the privilege of confidentiality of Presidential communications in the exercise of Art. II powers, the privilege can be said to derive from the supremacy of each branch within its own assigned area of constitutional duties. Certain powers and privileges flow from the nature of enumerated powers; the protection of the confidentiality of Presidential communication has similar constitutional underpinnings.[16]

The Court went on to state:

> The expectation of a President to the confidentiality of his conversation and correspondence, like the claim of confidentiality in judicial deliberations, for example, has all the values to which we accord deference for the privacy of all citizens and, added to those values, is the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decision making. A president and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately. These are the considerations justifying a presumptive privilege for Presidential communications. The privilege is fundamental to the oper-

[11] Subpoenas from Committee on Government Reform to the Executive Office of the President (Sept. 1, 1999) and Department of Justice (Sept. 1 and 16, 1999).

[12] Letter from Attorney General Janet Reno to President Clinton (Sept. 16, 1999).

[13] *Id.*

[14] Letter from Assistant Attorney General W. Lee Rawls to Senator Howard Metzenbaum (July 1, 1991).

[15] See letter from Assistant Attorney General W. Lee Rawls to Senator Howard Metzenbaum (July 1, 1991).

[16] 418 U.S. 683, 705 (1974).

ation of Government and inextricably rooted in the separation of powers under the Constitution.[17]

In the case of the President's clemency decision, the assertion of executive privilege was fully justified. The documents being sought by the Committee contained advice and recommendations presented to the President and his advisors. They involved the pardon power, which the Constitution entrusts exclusively to the President. There was no credible evidence of illegal conduct by the President or his advisors. As stated by the Washington Post, "if executive privilege does not cover the Puerto Rico flap, it does not meaningfully exist." [18]

V. CONCLUSION

Although many Democrats oppose the President's decision, the majority made no attempt to find consensus with the Committee's minority members. Instead, the majority report appears to be designed to score political points, not reach the truth. It is based on unsubstantiated allegations and innuendo, not the facts and evidence before the Committee. We therefore dissent.

HON. HENRY A. WAXMAN.
HON. TOM LANTOS.
HON. MAJOR R. OWENS.
HON. EDOLPHUS TOWNS.
HON. PAUL E. KANJORSKI.
HON. PATSY T. MINK.
HON. ELEANOR HOLMES NORTON.
HON. CHAKA FATTAH.
HON. ELIJAH E. CUMMINGS.
HON. DENNIS J. KUCINICH.
HON. DANNY K. DAVIS.
HON. JOHN F. TIERNEY.
HON. THOMAS H. ALLEN.
HON. HAROLD E. FORD, JR.
HON. JANICE D. SCHAKOWSKY.

[The documents referred to follow:]

[17] *Id.,* at 708.
[18] *Executive Privilege—Again,* Washington Post (Sept. 19, 1999).

EXHIBIT 1

THE WHITE HOUSE

WASHINGTON

September 21, 1999

The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

Dear Henry:

As you know, on August 11, 1999, I offered clemency to 16 Puerto Rican nationalists conditioned on these individuals formally seeking it, renouncing violence and abiding by all parole requirements. This letter is in response to requests for information about my decision.

For the last six years, various Members of Congress, religious and civic leaders, as well as others, have urged me to grant clemency to a group of Puerto Rican prisoners, most of whom have been in prison between 16 and 19 years as a result of convictions for offenses arising out of their participation in organizations supporting Puerto Rican independence.

The question of clemency for these prisoners was a very difficult one. I did what I believe equity and fairness dictated. I certainly understand, however, that other people could review the same facts I did and arrive at a different decision.

In making my decision, I did not minimize the serious criminal conduct in which these men and women engaged. I recognize and appreciate that there are victims of FALN-related violence who feel strongly that these individuals, although not directly convicted of crimes involving bodily harm to anyone, should serve the full sentences imposed. Before making my decision, I sought and considered the views of the Department of Justice. Press reports note that certain Federal Bureau of Investigation and Justice Department officials, including the U.S. Attorneys in Chicago and Connecticut, were opposed to clemency. I did not dismiss those concerns as some have implied. Rather, I carefully weighed them in making this difficult decision.

On the other hand, the prisoners were serving extremely lengthy sentences -- in some cases 90 years -- which were out of proportion to their crimes. (In contrast, Jose Solis Jordan, who was prosecuted and convicted in July in Chicago of conspiring to place explosive devices at a Marine recruiting center, received a sentence of 51 months.)

The petitioners received worldwide support on humanitarian grounds from numerous quarters. President Jimmy Carter wrote in 1997 that granting clemency to these men and women "would be a significant humanitarian gesture and would be viewed as such by much of the international community, a concern that was relevant in 1979 and I believe is today . . . ." He noted that each individual had "spent many years in prison, and no legitimate deterrent or correctional purpose is served by continuing their incarceration." Finally, in explaining the close similarity between the current clemency petition and the clemency he granted in 1979 to people who had committed serious crimes in the name of Puerto Rico's independence, he said that then, as now, "to the extent that clemency might, under other circumstance, be viewed as evidence of leniency toward terrorists, no such conclusion could be drawn here in light of the length of the sentences served."

President Carter's support was particularly noteworthy because he commuted to time-served the sentences of the Puerto Rican nationalists who were convicted for their 1954 attack on the House of Representatives, which resulted in the wounding of five congressmen. President Carter also commuted to time-served the life sentence of Oscar Collazo, who attempted to assassinate President Truman, an attack that resulted in the death of a White House policeman.

Bishop Tutu and Coretta Scott King also wrote to seek clemency for the petitioners, since they had received "virtual life sentences" and "have spent over a decade in prison, while their children have grown up without them."

In addition, various Members of Congress, a number of religious organizations, labor organizations, human rights groups, and Hispanic civic and community groups supported clemency. The petitioners also received widespread support across the political spectrum within Puerto Rico. We have recently provided Congress more than 14,000 pages of materials that the White House received in connection with this clemency matter, including thousands of letters seeking clemency for the prisoners.

Many of those who supported unconditional clemency for the prisoners argued that they were political prisoners who acted out of sincere political beliefs. I rejected this argument.

No form of violence is ever justified as a means of political expression in a democratic society based on the rule of law. Our society believes, however, that a punishment should fit the crime. Whatever the conduct of other FALN members may have been, these petitioners -- while convicted of serious crimes -- were not convicted of crimes involving the killing or maiming of any individuals. For me, the question, therefore, was whether the prisoners' sentences were unduly severe and whether their continuing incarceration served any meaningful purpose. I considered clemency for each of them on an individual basis.

Nine of the petitioners were convicted in the Northern District of Illinois of seditious conspiracy, armed robbery, and various firearms offenses. They did not appear at trial, refused defense counsel and presented no defense to the charges against them. They also did not assist the probation office in preparing the pre-sentence reports. They received 20-year sentences for the seditious conspiracy and Hobbs Act counts, 10-year sentences for the weapons charges and 5-year sentences for the vehicle charges. The sentences on most or all of these counts were imposed consecutively, rather than concurrently -- which would rarely occur today under the Sentencing Guidelines -- and resulted in sentences ranging from 55 to 90 years. These nine prisoners have served 19 years in prison. I commuted the sentences of eight of these prisoners to between 23 and 26 years thereby making them eligible for parole pursuant to the mandatory release standards applicable to all prisoners. I refused to commute the sentence of Carlos Alberto Torres, who had been indicted by a federal grand jury in 1977 on explosives charges, was identified as the leader of the group, and had made statements that he was involved in a revolution against the United States and that his actions had been legitimate.

One of the petitioners, Oscar Lopez-Rivera, was charged with the other nine petitioners but was not arrested until May 1981. He was convicted of the same offenses and received sentences totaling 55 years. He too did not present a defense at trial or assist the probation officer in preparing the pre-sentencing report. In 1984, he tried to escape and was sentenced to an additional 15 years for that attempt to run consecutive to his earlier sentence. I proposed commuting his original conviction to 29 years but did not commute his sentence for the attempted escape. He declined the commutation offer.

Three of the petitioners were separately convicted in the Northern District of Illinois of seditious conspiracy, interstate transportation of stolen vehicles and weapons offenses. At trial they were represented by standby counsel and participated in parts of the trial, although they did not

participate in the sentencing process. Each was sentenced to 35 years in prison and had served 16 years. I commuted their sentences to 26 years, thereby making them eligible for parole.

The final four petitioners were members of Los Macheteros and were convicted in the District of Connecticut in connection with the 1984 robbery of a Wells Fargo office. Juan Enrique Segarra-Palmer received a sentence of 55 years, Antonio Camacho-Negron received a sentence of 15 years, and Roberto Maldonado-Rivera and Norman Ramirez-Talavera received sentences of 5 years each. The last two have completed their sentences, but I remitted their outstanding fines. Antonio Camacho-Negron was released in 1998 on parole, but was later re-arrested for parole violation. I was informed that he would be eligible for release at any time if he agreed to abide by the parole requirements. In light of his refusal to comply with the conditions of his first release, I refused to commute his sentence, although I did offer to remit his outstanding fines. He rejected this offer. Finally, I commuted the sentence of Juan Enrique Segarra-Palmer so that he would be eligible for parole after serving 19 years in prison, consistent with the time served by the Chicago petitioners.

The timing of my decision was dictated by the fact that my former counsel, Charles Ruff, committed to many of those interested in this issue that he would consult with the Department of Justice and make a recommendation to me before he left the counsel position. Pursuant to this commitment, I received his recommendation in early August. As he recently indicated to the *New York Times*, his recommendation and my decision were based on our view of the merits of the requests -- political considerations played no role in the process.

As you know, last week I asserted executive privilege in the face of Chairman Burton's subpoena seeking memoranda and testimony concerning the decision process. I did so, after receiving the opinion of the Attorney General that such assertion was proper, as the demand clearly intruded on areas reserved to the President under the Constitution.

Grants of clemency generate passionate views. In vesting the pardon power in the President alone, the framers of our Constitution ensured that clemency could be given even in cases that might be unpopular and controversial. The history of our country is full of examples of clemency with which many disagreed, sometimes fervently. When Theodore Roosevelt granted amnesty to Filipino nationals who attempted to overthrow U.S. control of the Philippines, when Harry Truman commuted the death sentence of Oscar Collazo, and when Jimmy Carter commuted the sentence of Collazo and other Puerto Rican nationalists who had

fired upon the House of Representatives, they exercised the power vested them by the Constitution to do what they believed was right, even in the face of great controversy. I have done the same.

I hope this information is helpful in understanding my decision and that you will share it with members of your Committee and others who might find it useful.

Sincerely,

Bill Clinton

EXHIBIT 2

SUPPORT FOR THE RELEASE OF THE FIFTEEN PUERTO RICAN POLITICAL PRISONERS

(partial list)

•ELECTED OFFICIALS/POLITICIANS/STATESPEOPLE

United States

Former President Jimmy Carter
U.S. Representative José E. Serrano (D-NY)
U.S. Representative Nydia M. Velázquez (D-NY)
U.S. Representative Luis V. Gutiérrez (D-IL)
U.S. Representative Charles B. Rangel (D-NY)
U.S. Representative Danny K. Davis (D-IL)
U.S. Representative Ronald V. Dellums (D-CA)
U.S. Representative Eliot L. Engel (D-NY)
U.S. Representative Maxine Waters (D-CA)
U.S. Representative Patsy T. Mink (D-HI)
U.S. Representative Bobby L. Rush (D-IL)
Senator Efraín González, New York State Senate
Senator Franz S. Leichter, New York State Senate
Assemblyman Jeffrey Dinowitz, New York State Assembly
Assemblyman Albert Vann, New York State Assembly
Senator Miguel del Valle, Illinois State Senate
Representative Olga Méndez, New York House of Representatives
Representative Edgar López, Illinois State House of Representatives
Councilman José Rivera, New York City Council
Councilman Adam Clayton Powell, New York City Council
Councilwoman Carmen Arroyo, New York City Council
Councilwoman June M. Eisland, New York City Council
Councilman Mariano Vega, Jr., Jersey City, NJ City Council
Former Councilman Gilberto Gerena Valentín, New York City Council
Fernando Ferrer, Bronx Borough President
Roberto Ramy, Chair, Bronx Democratic Party
Councilman Fernando Fuentes, Yonkers 2nd District
Alderman Billy Ocasio, Chicago City Council
Councilman at Large Angel L. Ortíz, Philadelphia City Council
County Board Member Roberto Maldonado, Cook County IL Board of Commissioners, Chicago, IL
David N. Dinkins, Former Mayor, City of New York
1992 Resolution 617-A of the City Council of the City of New York

CL 07799

Puerto Rico

Senator Roberto Rexach Benitez (New Progressive Party, PNP), President, Puerto Rican Senate
Representative Zaida Hernández Torres (New Progressive Party, PNP), Speaker of Puerto Rican House of Representatives
Representative Edison Misla Aldarondo (New Progressive Party, PNP), President of the Puerto Rican House of Representatives
Senator Miguel Hernández Agosto (Popular Democratic Party, PPD), Minority Leader, Puerto Rican Senate
Héctor Luis Acevedo, Popular Democratic Party
Representative López Nieves, Puerto Rican House of Representatives
Representative Severo Colberg Toro, Popular Democratic Party
Sila Calderón, Mayor of San Juan, Popular Democratic Party
Aníbal Acevedo Vilá, Esq., President, Popular Democratic Party
Celeste Benítez, Popular Democratic Party
Senator Rubén Berríos Martínez , President, Puerto Rican Independence Party, PIP)
Representative David Noriega (Puerto Rican Independence Party, PIP)
Manuel Rodríguez Orellana (Puerto Rican Independence Party, PIP)
Governor Rafael Hernández Colón, former governer of Puerto Rico (Popular Democratic Party, PPD)
Governor Roberto Sánchez Vilella, former governer of Puerto Rico (Popular Democratic Party, PPD)
Rafael Cordero Santiago, Mayor, Ponce, PR
Justo Medina Esteves, Mayor, San Sebastián, PR
Juan Mari Brás, Congreso Nacional Hostosiano
Noel Colón Martinez, Congreso Nacional Hostosiano
Carlos Gallisá, formery Secretary General, Puerto Rican Socialist Party
Julio Muriente, President, New Independentist Movement
Eduardo Villanueva Muñoz, Unión Patriótica Nacional
Lolita Lebrón, former political prisoner
Rafael Cancel Miranda, former political prisoner
Carmín Pérez, former political prisoner
Fidel Irizarry, former political prisoner
Carlos Irizarry, former political prisoner
Pablo Marcano García,former political prisoner
Juan Manuel García Passalacqua, former advisor to the Carter White House
Dr. Hamid Galib
1995-1996 Resolution, City Council of Mayagüez, PR
1996 Resolution, City Council of Las Marías, PR
1997 Resolution, City Council of Yauco, PR
1998 Resolution, City Council of Moca, PR

CL 07800

Other Countries

John White, LLB. MHA, Shadow Attorney-General & Justice Shadow Minister for Aboriginal Affairs and Arts, Parliament of Australia
Senator Nick Sherry, Senator for Tasmania, Parliament of Australia
Senator Bruce Childs, Senator for New South Wales, Parliament of Australia
Senator John Coates, Senator for Tasmania, Parliament of Australia
M.L.C. Jan Burnswoods, Member of the Parliament of New South Wales, Parliament of Australia
Senator John Faulkner, Labor Senator for New South Wales, Parliament of Australia
Senator John Devereux, Labor Senator for Tasmania, Parliament of Australia
Senator Vicki Bourne, Australian Democrats Senator for New South Wales, Parliament of Australia
M.L.C. Ann Symonds, Legislative Counsel, Parliament of Australia
Jean McLean, Member for Melbourne West Province, Parliament of Australia
R.J. Debus, Minister for Corrective Services and Minister for Emergency Services, New South Wales, Parliament of Australia
Maggie Deahm, House of Representatives, Parliament of Australia
Denison White, Parliament of Australia
Justin Brown, Assistant Secretary, Americas Branch, Australian Department of Foreign Affairs and Trade
Father Miguel d'Escoto Brockmann, former Foreign Minister, Nicaragua
Rosario Ibarra, Congress of Mexico

•RELIGIOUS COMMUNITY

United States

1985 Resolution 85-GS-71, United Church of Christ, Fifteenth General Synod
1991 Resolution 91-GS-85, United Church of Christ, Eighteenth General Synod
1992 Resolution. General Conference of the United Methodist Church
1995 Resolution 95-GS-63, United Church of Christ, Twentieth General Synod
1995 Resolution, Baptist Peace Fellowship of Northern America, Board of Directors
1995 Resolution. United Methodist Church General Board of Church and Society
1996 Message of the Executive Board of the National Council of the Churches of Christ, U.S.A. to the President of the United States
His Eminence John Cardinal O'Connor, Archbishop of New York
Bruderhof Communities in New York and Pennsylvania
The Right Reverend Craig B. Anderson, President and Dean, General Theological Seminary. New York City
Bishop Richard O. Bass, Sr., Ecumenical Officer, Christian Methodist Episcopal Church, Birmingham, AL
The Right Reverend Edmond L. Browning, Presiding Bishop, Episcopal Church,

CL 07801

New York City
Reverend Dr. Joan Brown Campbell, General Secretary, National Council of the Churches of Christ, New York City
Bishop Clarence Carr, Presiding Bishop, Western Episcopal District, African Methodist Episcopal Zion Church, Greendale, MO
Daniel Berrigan, S.J., along with 18 New York Jesuits
Marie Dennis, Maryknoll Peace & Justice Office, Washington, D.C.
Bishop William Boyd Grove, Ecumenical Officer, United Methodist Church, Albany, NY
The Most Reverend Thomas J. Gumbleton, Catholic Archdiocese of Detroit
Reverend Dr. Richard Hamm, General Minister and President Christian Church (Disciples of Christ), Indianapolis, IN
Bishop Paul Moore, Jr. (Retired), Episcopal Diocese of New York
Bishop Charlene Kammerer, Western North Carolina Conference, United Methodist Church, Charlotte, NC
Annie Milner, African Methodist Episcopal Church, Atlanta, GA
Reverend Dr. Jeffrey Newhall, General Secretary, International Council of Community Churches, Mokena, IL
Reverend Tyrone Pitts, General Secretary, Progressive National Baptist Convention, Inc., Washington, D.C.
Reverend Allen V. Harris, Park Avenue Christian Church, New York City
Father Luis Barrios, New York City
Father Roberto Morales, Episcopal Church
Nancy Small, National Coordinator, Pax Christi USA, Erie, PA
Dr. Luther Smith, Candler School of Theology, Atlanta, GA
Dr. Betty V. Stith, Secretary, Women's Home and Overseas Missionary Society, African Methodist Episcopal Zion Church, New Rochelle, New York
The Most Reverend Walter Sullivan, Catholic Diocese of Richmond, VA
Bishop Melvin G. Talbert, California-Nevada Conference, United Methodist Church, West Sacramento, CA
Reverend Dr. Daniel E. Weiss, General Secretary, American Baptist Churches USA, Valley Forge, PA
Father James Brennan, St. Cecilia Parish, New York City
Reverend Lawrence E. Lucas, Our Lady of Lourdes Church
Dr. Donnell Williams, African Methodist Episcopal Church, Northport, AL
Addison Young, African Methodist Episcopal Church, Atlanta, GA
Bishop McKinley Young, Ecumenical Officer and President, Council of Bishops, African Methodist Episcopal Church, Atlanta, GA
Reverend Dr. S. Michael Yasutake, Executive Director, Interfaith Prisoners of Conscience Project
Reverend Joseph E. Agne, National Council of Churches Racial Justice Office
Reverend Dr. Paul H. Sherry, President, United Church of Christ
Reverend Dr. Thomas E. Dipko, Executive Vice-President, United Church of

CL 07802

Christ United Church Board for Homeland Ministries
Linda Jaramillo, President, Council for Hispanic Ministries, United Church of Christ
Reverend Connie Baugh, The Church of the Gethsemane
Sammy Toineeta, Associate for Racial Justice, National Council of the Churches of Christ
Jo Becker, Fellowship of Reconciliation
Reverend Helen Locklear, Associate, Presbyterian Church, Racial Justice Leadership
Carmen Alicia Nebot, United Church Board for World Ministries
Luis A. Méndez Gómez, Council of Hispanic Ministries, United Church of Christ, Cleveland, OH
Lois Dauway, United Methodist Church, Women's Division
Reverend Annie González, Pastor, Northlake United Methodist Church, Northlake, IL
Reverend Eddie López, New York City
Reverend Ronald S. Fujiyoshi, Hilo, HI
Reverend Dr. C. Nozomi Ikuta, Liberation Ministries, United Church of Christ, United Church Board for Homeland Ministries, Cleveland, OH
Reverend Bruce W. Robbins, General Secretary, United Methodist Church, General Commission on Christian Unity and Interreligious Concerns, New York City
Sister Chris Koellhoffer, IHM, Communications Coordinator, Intercommunity Center for Justice and Peace, New York City
Reverend Alfonso A. Román, Special Assistant to the President, Bloomfield College, Bloomfield, NJ
F. Allison Phillips, General Secretary, United Church of Christ, Division of the American Missionary Association, United Church Board for Homeland Ministries, Cleveland, OH
John H. Thomas, Assistant to the President for Ecumenical Concerns, United Church of Christ, Cleveland, OH
Mitsuye Yamada, Member of Board, Interfaith Prisoners of Conscience Project, Irvine, CA
Kairos/Plowshares, New York
Reverend Edward Rivera Santiago, Iglesia Buenas Nuevas, Cleveland, OH

Puerto Rico

Puerto Rican Bishops' Conference
S.E.R. Luis Cardenal Aponte Martínez, Archbishop of San Juan
Mons. Iñaki Mallona, C.P. Bishop of Arecibo, President, Puerto Rican Bishops' Conference
Mons. Ulises Casiano, Bishop of Mayagüez, Vice-President, Puerto Rican Bishops' Conference

CL 07803

Mons. Fremiot Torres Oliver, Bishop of Ponce
Mons. Enrique Hernández, Bishop of Caguas
Mons. Ricardo Suriñach, Auxiliary Bishop of Ponce
Mons. Héctor Rivera, Auxiliary Bishop of San Juan
Mons. Hermín Negrón Santana, Auxiliary Bishop of San Juan, Secretary, Puerto Rican Bishops' Conference
Right Reverend David Alvarez Velázquez, Bishop, Episcopal Church of Puerto Rico, Saint Just
Reverend Yamina Apolinaris, Executive Minister, Baptist Church of Puerto Rico, Hato Rey, PR
Reverend Eunice Santana, World Council of Churches
Margarita Sánchez de León, Movimiento Ecuménico Nacional
Bishop Victor Bonilla, Methodist Church of Puerto Rico, Hato Rey, PR
Padre José Angel Díaz, Episcopal Church of Puerto Rico
Padre Rosalí Fernández-Pola, Episcopal Church of Puerto Rico
Reverend D. Efraím Ayala Medina, Episcopal Church of Puerto Rico
Reverend Luis F. del Pilar, General Pastor, Disciples of Christ of Puerto Rico, Bayamón, PR
Reverend Harry del Valle, Synod Executive, Presbyterian Synod of Boriquén Puerto Rico, Mayagüez, PR
Reverend Osvaldo Malavé Rivera, Conference Minister, United Church of Christ of Puerto Rico, Río Piedras, PR
Sister Nilda Resto Gómez, Coordinator, Community of Jesus Christ the Mediator, Bayamón, PR
Reverend Juan Vera Méndez, Evangelical Council of Puerto Rico
Carabello Noris, Conference of Christ
Reverend Moises Rosa Ramos, Executive Secretary, Evangelical Council of Churches, Río Piedras, PR
1995 Resolution, Episcopal Church of Puerto Rico, 88nd Annual Diocesan Assembly, 16th as an Autonomous Church
1995 Episcopal Church of Puerto Rico, Pastoral Letter to the Congregations of the Diocese of Puerto Rico
1995 Resolution, Bautistas por la paz
1996 Resolution, United Evangelical Church of Puerto Rico, General Assembly
1996 Resolution, Assembly of the Christian Church (Disciples of Christ) of Puerto Rico
1996 Resolution, Baptist Church of Puerto Rico
1996 Resolution, Council of Mission of the Boriquén Presbyterian Synod of Puerto Rico
1991 Resolution, Declaración Puertorriqueña sobre el V Centenario

Other countries

Etienne De Jonghe, International Secretary, Pax Christi International
Bishop Federico Pagura, President, Consejo Internacional de Iglesias
Dr. Aaron Tolen. President, World Council of Churches
Reverend Dr. Margot Kassman, General Secretary, Deutscher Evangelischer Kirchentag
Konrad Raiser, General Secretary, World Council of Churches
The Right Reverend James H. Ottley, Anglican Observer to the United Nations
Bruderhof Community in the United Kingdom
María Teresa Jardi, Director of Mexican Archdiocese Department of Human Rights
Bishop Federico Pagura, President, Consejo Latinoamericano de Iglesias
Reverend Guido Bello Henriquez, President, Comisió Evangélica Latinoamericana de Educación Cristiana
Marcos Alves Da Silva, Coordinador General, Comisió Evangélica Latinoamericana de Educación Cristiana

•LABOR

United States

Dennis Rivera, President, 1199 National Health Care Union, New York City

Puerto Rico

Puerto Rican Federation of Labor (AFL-CIO)
Valentín Hernández, President, Puerto Rican Federation of Labor (AFL-CIO)
José M. Torres, Secretary-Treasurer, Puerto Rican Federation of Labor (AFL-CIO)
José E. Cádiz, First Vice-President, Puerto Rican Federation of Labor (AFL-CIO)
Carmen Fanny Valdes, Vice-President, Puerto Rican Federation of Labor (AFL-CIO)
José Feliciano, Vice-President, Puerto Rican Federation of Labor (AFL-CIO)
Carlos Ortíz, Vice-President, Puerto Rican Federation of Labor (AFL-CIO)
Juan Robles, Labor Leader
Josefina Pantoja Oquendo, Organización Puertorriqueña de la Mujer Trabajadora
Dr. Delores Miranda, President, Puerto Rican Association of University Professors
1995 Resolution. Hermandad de Empleados Exentos No Docentes de la Universidad de Puerto Rico
1994 Resolution. Colegio de Trabajadores Sociales de Puerto Rico
1996 Resolution. Asociación Puertorriqueña de Profesores Universitarios, San Juan, PR
1996 Resolution. Federación Central de Trabajadores, UFCW Local 481, AFL-CIO
1996 Resolution. Unión Nacional de Trabajadores, Río Piedras, PR

CL 07805

Other Countries

1996 Resolution, Conferencia Internacional con Dirigentes Sindicales de Telecomunicaciones, Correos, Telegrafos, Radio y Televisión, Havana, Cuba

•CIVIC AND COMMUNITY LEADERS/ORGANIZATIONS

United States

Doreen Boyd, Deputy General Secretary, Young Women's Christian Association
Ramón S. Vélez, President, National Puerto Rican Day Parade, Inc.
Belén Robles, President, LULAC
Latino Vote 2000
Manuel Mirabal, President, Puerto Rican Coalition, Washington, D.C.
Juan Figueroa, Puerto Rican Legal Defense and Education Fund
El Hispano Bilingual Newspaper, Upper Darby, PA
Women's International League for Peace and Freedom
100 Puerto Rican Women in Queens
Yolanda Sanchez, National Latinas Caucus
1994 Resolution, Boricua First
1993 Resolution, La Conferencia Puertorriqueña (sponsored by the Organization of the Puerto Rican Parade), New York City
1993 Resolution, Somos El Futuro, Albany, NY
1997 Resolution, Somos El Futuro, New York
1991 Resolution, Comité de Afirmación Puertorriqueña, New York City

Puerto Rico

Puerto Rican Manufacturers Association
Eduardo Morales Coll, President, Ateneo Puertorriqueño
William Braceo, Secretary, Cabo Rojo Lodge of the Masons, Gran Oriente Nacional de Puerto Rico
Victor Rodríguez, Venerable Master, Cabo Rojo Lodge of the Masons, Gran Oriente Nacional de Puerto Rico
Marta Elsa Fernández, Coordinadora de Paz para la Mujer
1996 Resolution, Masons, Gran Oriente Nacional de Puerto Rico
Asociación Pro-Derechos de los Confinados en Puerto Rico
1996 Resolution, Casa Aboy, Miramar, PR
1996 Resolution, Sociedad Histórica de Lajas, Inc.
Federación Universitaria Pro Independencia (FUPI)
Juventud Popular de la Universidad de Puerto Rico

Other Countries

Tribunal Anti-Imperialista de América-1992, Capítulo de Argentina
1992 Resolution, III Encuentro Continental Campaña 500 años de resistencia

CL 07806

Martha Gever, Writer, CUNY Graduate School, New York, NY
Henry R. Giroux, Professor, Penn State University
Jeff Glassman, Theater Artist, Urbana, IL
Alvin D. González, Executive Director, Yucahu, Inc., New York, NY
Barbara Hirshkowitz, Philadelphia, PA
Kathryn Hixson, Editor, **New Art Examiner**, Chicago, IL
Bertha Husband, Artist, Chicago, IL
Valerie Janesick, Associate Professor, University of Kansas, Lawrence, KS
Shaan Khattan, School of the Art Institute of Chicago
Ewa Kuryluk, Artist, Writer and Critic, New York, NY
Lucy Lippard, Writer, Galisteo, NM
Ramón López, Artist and Critic, Chicago, IL
Soraya Marcano, Artist, Brooklyn, NY
Donald McGhie, Faculty, Columbia College, Chicago, IL
Isabelle McGuire, Faculty, Columbia College, Chicago, IL
Jay Murphy, Writer, Critic, New York City
Pat Murphy, Beacon Street Gallery, Chicago, IL
Holly Near, Musician, Ukiah, CA
Mary Patten, Video Artist, Instructor, School of the Art Institute of Chicago
Michael Piazza, Installation Artist, Professor, Chicago, IL
T. R. Quigley, Professor, Center for Creative Studies, Detroit MI
José David Quiñonez, Director, Calles y Sueños Casa de Arte y Cultura, Chicago, IL
Margaret Randall, Writer, Oral Historian
B. Ruby Rich, Feminist Theorist and Film Critic, San Francisco, CA
Nora Ruth Roberts, Teacher, Writer, New York City
Jane Sackey, Professor, Kansas City Art Institute
Ahmad Sadri, Writer and Assistant Professor, Lake Forest College, Lake Forest, IL
Pete Seeger, Musician
Allan Siegel, Filmmaker, Video Producer, Chicago, IL
Bibiana Suárez, Artist and Associate Professor, DePaul University, Chicago, IL
Peter Taub, Director, Randolph Street Gallery, Chicago, IL
Piri Thomas, Writer, Berkeley, CA
Ann Tyler, Faculty, School of the Art Institute of Chicago
Marshall Weber, Lecturer, School of the Art Institute of Chicago
Rachel Weiss, School of the Art Institute of Chicago
Ann Wilson, Professor, School of the Art Institute of Chicago
Rebecca Wolfram, Artist, Chicago, IL

CL 07807

Puerto Rico

Alarma, Rock Group, San Juan
Ricardo Alegría, Anthropologist
Néstor Barreto, Poet, Graphic Artist
Juana M. Baumgartner, Anthropologist, Professor, Mayagüez, PR
Roy Brown, Singer/Composer, San Juan, PR
Antonio Cabán Vale "El Topo", Musician
Luis Fernando Coss, Journalist
Cordelia González, Actor
Andrés Jiménez, Musician
Eric Landron, Poet
Grupo Mapeye, Musicians
Roberto Marrero Corletto, Ph.D., Rector y Presidente, Junta Académica del Colegio Universitario de Humacao, Universidad de Puerto Rico
Antonio Martorell, Artist
Margarita Mergal, Professor
José L. Monserrate, Rector y President, Junta Académica, Colegio Universitario de Cayey, Universidad de Puerto Rico
Andy Montañez, Musician
Jacobo Morales, Actor, Filmmaker
Aida Negrón de Montilla, Newspaper and Television Political Commentator
Irving Ortega Ortega, Executive Secretary, Junta Académica del Colegio Universitario de Humacao, Universidad de Puerto Rico
Irma Rivera Nieves, Humanities Professor, University of Puerto Rico, San Juan, PR
J.A. Torres Martinó, Artist, Writer, San Juan
Sylvia Tubéns Castillo, Secretary, Junta Académica, Colegio Universitario de Cayey, Universidad de Puerto Rico
1992 Resolution, Congreso de Escritoras Latinoamericanas, Mayagüez, PR
1996 Resolution, Junta Académica del Colegio Universitario de de Cayey, Universidad de Puerto Rico
1996 Resolution, Junta Académica del Colegio Universitario de Humacao, Universidad de Puerto Rico

Other Countries

Gay Bell, Prisoners' Justice Day Committee, A Space Gallery, Toronto
John Berger, Writer, France
Andries Botha, Sculptor and Professor, Republic of South Africa
Pavel Buchler, Artist and Writer, Head of Fine Art, Glasgow School of Art
Desorden Público, Rock Group, Venezuela
Felipe Ehrenberg, Artist and Writer, Mexico D.F.
Sergio Iagulli, Multimedia Edizione, Salerno, Italy
Zoltan Lugosi, Prisoners' Justice Day Committee, A Space Gallery, Toronto

CL 07808

Marilyn Martin, Writer and Director, South Africa National Gallery, Cape Town, South Africa
Raffaella Marzano, Multimedia Edizione, Salerno, Italy
Njabulo S. Ndebele, Poet and Fiction Author, Vice Chancellor, University of the North, Sovenga, South Africa

CL 07809

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

May 21, 1993

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

Dear Mr. President:

On November 19, 1992, Resolution number 617-A was adopted by the New York City Council which calls for the Secretary General of the United Nations to use his good offices to request that the United States government declare general amnesty for the twenty-one Puerto Rican political prisoners currently detained in federal facilities.

I support this resolution for humanitarian reasons. Many of these Puerto Rican prisoners have received sentences that are disproportionate when compared to those given to others charged with the same offense. Additionally, many have also been restricted access to family and friends.

In the past, I have supported the efforts made by nationalists in South Africa as well as Ireland. While I do not condone violence, I firmly believe that justice should be applied equitably to all. For these reasons, I respectfully request that you seriously consider this resolution passed by our City Council.

Sincerely,

David N. Dinkins
MAYOR

CL 07819

Assemblyman
Jeffrey Dinowitz
3107 Kingsbridge Ave.
Bronx, NY 10463
(718) 796-5345

#245004

State Senator
Franz S. Leichter
3107 Kingsbridge Ave.
Bronx, NY 10463
(718) 549-4541

November 24, 1997

President William Clinton
The White House
Washington D.C. 20500

Dear President Clinton:

We are writing to request you to examine and consider appeals by religious, political and community leaders for executive amnesty for the 15 Puerto Rican federal prisoners.

Members of the group have served at least 14, and as many as 17 years in prison. We are told that none had prior offenses, nor were they convicted of crimes that caused bodily harm.

We urge you to give serious consideration to this case regarding Edwin Cortes, Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Antonio Camacho Negron, Dylcia Pagan, Juan Segarra Palmer, Oscar Lopez Rivera, Alberto Rodriguez, Lucy Rodriguez, Alicia Rodriquez, Luis Rosa, Alejandrina Torres, Carlos Alberto Torres, and Carmen Valentin, and ask you to make a decision as soon as possible.

Sincerely,

Jeffrey Dinowitz
Member of Assembly

Franz S. Leichter
State Senator

CL 08004

✓ # 245109

JUNE M. EISLAND
CITY COUNCIL, 11TH DISTRICT, BRONX

PLEASE REPLY TO:

3635 WALDO AVENUE
BRONX, N.Y. 10463
(718) 548-0135

THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, N.Y. 10007

CHAIRWOMAN
THE LAND USE COMMITTEE

COMMITTEE MEMBER:
FINANCE
TRANSPORTATION
PUBLIC SAFETY
RULES, PRIVILEGES & ELECTIONS

November 25, 1997

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

Dear Mr. President:

I am writing to urge you to consider using your Presidential Power of Pardon to end the imprisonment of fifteen Puerto Ricans being held in U.S. Federal Prisons for what appear to be politically-related offenses.

Broad support exists in both Puerto Rico and the U.S. for an end to the excessive and disproportionately lengthy sentences of 35 to 90 years that these individuals are serving. None of these prisoners were convicted of causing personal injury or damage to any property, and they were all first-time offenders.

Granting these pardons would be consistent with both your, and our country's well established commitment to human rights and concern for political prisoners around the world. I hope you will give this request your consideration and intervene on behalf of these Puerto Rican prisoners.

Very Respectfully Yours,

June M. Eisland

June M. Eisland
Councilwoman

JME/mm

DEC 3

CL 08005

MIGUEL DEL VALLE

217 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217/782-5652

ILLINOIS SENATE
ASSISTANT DEMOCRATIC LEADER
89TH GENERAL ASSEMBLY

3507 W. NORTH AVE.
CHICAGO, ILLINOIS 60647
312/292-0909

January 22, 1997

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20000

Dear President Clinton:

As the state senator representing the 2nd Legislative District of the State of Illinois, as well as an Assistant Minority Leader of the Senate Democrats, I want to add my voice to the growing support for the immediate and unconditional release of the 15 Puerto Rican women and men imprisoned in the United States for their activities in favor of independence for Puerto Rico. Many of their families reside in my legislative district.

For many years I have been aware of the plight of these fellow Puerto Ricans. I know them to be intelligent, articulate men and women with strongly held beliefs. While I differ with their perspective on the status of Puerto Rico, and although I do not agree with the actions they took, they were sentenced to disproportionately lengthy prison terms. Furthermore, most of them have already served close to 17 years, which means that they have spent a half to a third of their lives behind bars. They have clearly paid their debt to society.

I strongly urge you to do what is just and humane. A pardon is long overdue.

Sincerely,

Miguel del Valle

Miguel del Valle
State Senator
2nd District

RECYCLED PAPER - SOYBEAN INK

CL 07684

OFFICE OF THE BRONX BOROUGH PRESIDENT
THE BRONX COUNTY BUILDING
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

FERNANDO FERRER
BOROUGH PRESIDENT

TEL. 590-3500

February 11, 1998

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

Dear President Clinton:

I wish to join with former President Jimmy Carter, U.S. Representatives Velázquez, Gutiérrez, Serrano, Dellums and Mink, 11 Nobel Laureates and John Cardinal O'Connor of New York in calling upon you to release the 15 Puerto Rican men and women, who have been imprisoned between 14 and 17 years for fighting for their political beliefs.

As these leaders have pointed out, broad opinion exists both in Puerto Rico and the United States that these prisoners have been punished in a way that is disproportionate to the violations for which they were convicted.

Their sentences of 35, 55, 60, 75, 90 years and life imprisonment are excessive and disproportionate when compared with the sentences for murder, armed robbery, rape and kidnapping, and any other federal offense. None of these prisoners was convicted of causing personal injury or property damage, and they were all first time offenders. Ordinary prisoners routinely serve a fraction of the more than 17 years most of these women and men have served.

I therefore urge you in the best spirit of reconciliation to exercise your constitutional power of executive amnesty to end their long incarceration.

Sincerely,

FERNANDO FERRER

CL 07581

AFRICAN NATIONAL CONGRESS
CALLS FOR THE RELEASE OF
THE PUERTO RICAN POLITICAL PRISONERS

The African National Congress (ANC) of South Africa adds its voice to call for the release of the fifteen (15) Puerto Rican political prisoners. The struggle for self-determination is a just struggle recognized throughout the world and by the United Nations.

The ANC itself is a movement, which struggled for more than eighty years for the self-determination of all South Africa's people - irrespective of race, religion, culture or creed. It is our experience through these decades that imprisonment and banishment cannot forever suppress the political aspirations and ideals that those imprisoned stand for.

We believe that as we move towards the next Millennium, that as humankind we must increasingly move towards resolving political conflicts through peaceful means. It is this belief and hope in a better humanity which our President Nelson Mandela expressed in his address to the 53rd United Nations General Assembly when he said: -

"As I sit in Qunu and grow as ancient as its hills,
I will continue to entertain the hope
that there has emerged a cadre of leaders
in my own country and region, on my Continent and in the world,
which will not allow that any should be denied their freedom as we were;
that any should be turned into refugees as we were;
that any should be stripped of their human dignity as we were."

In adding our voice to the call for the release of the fifteen Puerto Rican women and men who are held in United States prisons, we echo these words and pledge our solidarity with the political prisoners and their families.

T. Mtintso
Deputy Secretary General
African National Congress
July 1999

CL 08247

THE WHITE HOUSE

WASHINGTON

October 2, 1995

Dear Archbishop Tutu:

Thank you very much for your letter to President Clinton concerning fifteen individuals from Puerto Rico who are incarcerated in federal prisons. The President has asked me to respond to your inquiry on his behalf.

The Pardon Attorney at the Department of Justice currently is reviewing the cases of these fifteen individuals. The review process in executive clemency cases is extensive and time-consuming. When her review is complete, the Deputy Attorney General will forward a recommendation on each case to the President. The President will be in a position to give full and proper consideration to these cases after he has received the agency's recommendations.

I have taken the liberty of forwarding your letter to the Pardon Attorney, Ms. Margaret Colgate Love. She will take your views into account in her review of the cases. Your letter will also be included in the materials available to the President when he makes his decisions.

Again, thank you for writing to the President on this serious matter.

Sincerely,

Abner J. Mikva

Abner J. Mikva
Counsel to the President

I am a great admirer.

The Most Reverend Desmond M. Tutu, D.D. F.K.C.
The Anglican Archbishop of Cape Town
Bishopscourt, Claremont Cape 7700
Republic of South Africa

cc: Margaret Colgate Love
Pardon Attorney
United States Department of Justice

CL 07813

National Council of the Churches of Christ in the USA

Office of the
General Secretary

April 8, 1998

Mr. Eric Holder
Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue
Washington, DC

Dear Mr. Holder:

Thank you for meeting with my ecumenical colleagues today. Unfortunately, my schedule did not permit my participation in this meeting.

I write to reiterate the support of the National Council of the Churches of Christ in the USA for the immediate and unconditional release of the fourteen Puerto Rican men and women incarcerated because of their acts and beliefs in favor of Puerto Rican independence. As you are aware, the support of the religious and humanitarian communities for their release has continued to grow, as evident in the letter sent to the president by the Rev. Dr. Konrad Raiser, General Secretary of the World Council of Churches in Geneva.

Although I have not had the opportunity to meet any of these men and women personally, I am deeply moved by the impact that meeting them has had on the religious leaders who have done so. These visitors have left their visit profoundly convinced that these women and men simply do not belong in prison.

Certainly members of our churches have differing opinions regarding the actions which led to their imprisonment. Impressed by the support of the Catholic Bishops of Puerto Rico and the resolutions of support adopted by nearly every major Protestant denomination in Puerto Rico, however, even greater numbers of US Christians have come to join in the conviction that the eighteen years most of them have already served in prison are more than enough, and that it is long past time for them to come home.

Many thanks for your most favorable consideration of the petition filed for their release.

Sincerely,

Joan B. Campbell

(The Rev. Dr.) Joan Brown Campbell
General Secretary

CL 07551

intercommunity center
for justice and peace
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new york, new york 10011
tel: (212) 475-6677
fax: (212) 475-6969
e-mail: icpnyc@aol.com

Brothers of the Sacred Heart • Capuchin Franciscans • Congregation of Christian Brothers • Congregation of the Infant Jesus • Congregation of St. Joseph (Brentwood) • Daughters of Wisdom • Dominican Sisters (Amityville) • Dominican Sisters (Blauvelt) • Dominican Sisters of Hope • Dominican Sisters (Sparkill) • Franciscan Brothers of Brooklyn • Franciscan Handmaids of Mary • Franciscan Sisters of Peace • Franciscan Sisters of Atonement • Franciscan Sisters of the Poor • Little Sisters of the Assumption • Marist Brothers of the Schools • Missionary Sisters of the Sacred Heart • Paulist Fathers •

Redemptorist Fathers and Brothers • Religious of Jesus and Mary • Religious of the Sacred Heart • Religious of the Sacred Heart of Mary • Religious Sisters of Mercy (NY) • School Sisters of Notre Dame • Sisters of Charity (New York) • Sisters of Divine Compassion • Sisters of the Good Shepherd • Sisters of Mercy (Brooklyn) • Sisters of St. Agnes • Sisters of the Presentation (Newburgh) • Sisters of the Presentation (Staten Is.) • Sisters, Servants of Immaculate Heart of Mary • Society of Holy Child Jesus • Society of Jesus • Society of St. Ursula • Ursulines of the Roman Union •

February 24, 1998

President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Clinton:

In the name of our membership, I write to urge you to grant clemency to Dylcia Pagan. Ms. Pagan is among 15 Puerto Ricans imprisoned since the early 1980's throughout the country on firearms, theft and seditious conspiracy charges. She is currently serving a 63-year sentence at a federal prison in California.

We ask you to acknowledge the time served and to work with the Department of Justice to review the cases of these 15 people and pardon them on humanitarian grounds. We are not alone in our request, which is supported by Puerto Rican officials from opposing political parties, Nobel laureates, former U.S. president Jimmy Carter, John Cardinal O'Connor of New York, and the pastor and parishioners of Ms. Pagan's parish, St. Cecilia's Church in New York City.

As people of faith, we call on you to invoke the biblical tradition of jubilee justice: a time of mercy and pardon, of canceling debts. In this tradition, and in the name of our membership, we urge you to grant clemency to Dylcia Pagan.

Sincerely,

Sister Chris Koellhoffer

Sister Chris Koellhoffer, IHM
Communications Coordinator

CL 07582

The Intercommunity Center is a coalition of
Catholic Religious orders of women and men in the Tri-State area.

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700 Prospect Avenue
Cleveland, Ohio
44115-1100

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Executive
Vice President

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Executive
Vice President
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American Missionary
Association
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and Publication
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Fax: (216) 736-3783

Division of
Evangelism and
Local Church
Development
Tel: (216) 736-3826
Fax: (216) 736-3823

January 14, 1998

Mr. William Jefferson Clinton, President
United States of America
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

In both 1996 and 1997 it was my privilege, along with others, to visit with your Chief Legal Counsel concerning fifteen Puerto Rican prisoners of conscience who are serving the incredible cumulative sentence of 1,101 years in our Federal Correctional Institutions.

Since 1995, I have personally visited with four of the women prisoners and have exchanged letters with one of the men. I have studied with great care the court transcripts concerning the charges made against them.

With the awareness that none of these persons has committed an act of violence against other persons and that the charges against them relate to matters of property damage, I remain embarrassed by the discriminatory harshness of the disproportionately severe sentences imposed upon them by our Courts.

Their single "crime" appears to be their commitment to self-determination in their homeland. In other parts of the world where this noble commitment is expressed by indigenous peoples our nation proudly supports them. This was surely the case in South Africa and is a mark of our diplomacy in the Middle-East, the Balkans and other troubled regions of the globe.

I am writing to ask you, respectfully, in this final term of your distinguished Presidency, to use your honorable office to act favorably for the release of all fifteen of these prisoners of conscience. Nobel laureates, religious leaders, diverse civil rights organizations and uncounted persons of goodwill throughout the world have called for their release.

As you are aware, 1998 marks the centennial of the Treaty of Paris and the consequent acquisition of Puerto Rico as a territory of the United States. This particular year provides an opportunity for demonstrating that our nation's commitment to liberty includes respect for those who, without their consent, came under the governance of our country.

The release of the fifteen Puerto Rican prisoners of conscience, who have already served nearly two decades of their sentences, is a gesture fully consistent with our confidence in the pursuit of liberty that we espouse for ourselves and for the entire world.

Respectfully and with hope,

CL 07584

Thomas E. Dipko

The Reverend Thomas E. Dipko, Ph.D.

Office of the President
216 - 736-2101
Office of the Secretary
216 - 736-2110
Office of the Treasurer
216 - 736-2114
700 Prospect Avenue
Cleveland, Ohio 44115
Fax 216 - 736-2120

United Church of Christ

January 15, 1998

President William Clinton
The White House
1600 Pennsylvania Ave.
Washington D.C. 20500

Dear President Clinton,

I write to you again, both as President of the United Church of Christ and as someone who has personally visited four of the Puerto Rican political prisoners, in the hope that you might grant the release of all fifteen of the prisoners as you prepare for the coming year. I have been privileged to lead, with Rev. Dr. Joan Brown Campbell of the National Council of the Churches of Christ, two meetings of religious leaders with your Counsel, and participated in a third, on this subject. I trust that they have conveyed to you the growing support among the religious community for the release of these prisoners. As I have previously mentioned, we have been deeply moved by the great character and commitment of these women and men to a more just and humane world.

Our Puerto Rican members, in the US as well as Puerto Rico, have also brought to our attention the significance to them of the impending centennial of the US' relationship with Puerto Rico. Your release of these men and women would be to them a welcome gesture of good will and reconciliation as part of the process of addressing and resolving this relationship.

As you are probably aware, the release of these men and women has been hoped and prayed for by religious and community leaders and Nobel Laureates from the US, Puerto Rico, and around the world. I urge you to take this opportunity to make that hope a reality. May the sprit of justice and compassion guide and bless you.

Respectfully,

Paul H. Sherry

Paul H. Sherry
President

CL 07586

Interfaith Prisoners Of Conscience Project

2120 Lincoln Street
Evanston, Illinois 60201
Tel/Fax: (847) 328-1543

Sponsored by
Racial Justice Working Group,
Prisoners Justice Unit
National Council of the
Churches of Christ USA (NCC)

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The Rev. Sanchi
Michael Yasutake Ph.D.

The IPOC Board
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United Methodist Church
Consultant
The Rev. Joseph E. Agne,
NCC Prisoners Justice Unit

January 15, 1998

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

Dear Mr. President:

As one who has been in close touch with the 15 Puerto Rican political prisoners (*listed below) in frequent visits to prisons over the years and as a representative of our organization Interfaith Prisoners of Conscience Project, affiliated with the National Council of the Churches Christ in the U.S., I write to urge you to release these prisoners.

I join others with this request that you release these prisoners as a gesture of good will and on hmanitarian grounds. They have been given inordinately long years of sentence and most of them have endured nearly two decades of imprisonment under unusually harsh conditions for their belief and affirmation in their lives for the self determination of Puerto Rico and its people.

As we enter this 100th year of the conquest of Puerto Rico by the United States, your release of these prisoners, we believe, would send a message to the world that the United States and your administration, intends to assume leadership in paving the way for reconciliation and compassion in the midst of much tension and conflicts in the world.

I thank you for your kind consideration of this request.

Very respectfully yours,

S. Michael Yasutake

The Rev. S. Michael Yasutake, Ph.D., Executive Director
Interfaith Prisoners of Conscience Project

*Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Oscar López Rivera, Adolfo Matos, Antonio Camacho Negrón, Dylcia Pagán, Juan Segarra Palmer, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, Alejandrina Torres, Carlos Alberto Torres, Carmen Valentín.

CL 07587

World Council of Churches

General Secretariat

150 ROUTE DE FERNEY
P.O. BOX 2100
1211 GENEVA 2 SWITZERLAND

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CABLE OIKOUMENE GENEVA

President William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500
U.S.A.

Geneva, 9 January 1998

Mr. President,

At the urging of many member churches of the World Council of Churches in Puerto Rico and in the mainland United States, I write to appeal for clemency for the fifteen Puerto Ricans incarcerated in your country for their acts of conscience in favor of Puerto Rican independence.

In asking you to declare clemency for these men and women, among them a pastor of one or our member churches and others close to the churches, we do not intend to enter into a debate with respect to the validity of the charges of which they were judged guilty by the courts. Our appeal is rather on humanitarian grounds, and in the interest of justice and reconciliation.

These prisoners have served unusually long sentences, often under extreme conditions. They were arrested, charged and tried in a time when the political context may have been judged to require imprisonment as a deterrent. Those times are long past, and these prisoners have long since fulfilled whatever obligations even the notions of justice of the day might have required.

The World Council of Churches is preparing for its Jubilee Assembly this year on the occasion of its fiftieth anniversary. In preparation, member churches around the world are studying and seeking to act on the biblical concept of jubilee which was, among other things, a time to proclaim release to the captives. For the Puerto Rican churches, the notion of jubilee is doubly significant, as that territory prepares for the centennial of its formal relationship to the United States. Many hope for signs of reconciliation. Your presidential decree of clemency for these prisoners would be such a sign.

This compassionate gesture would speak eloquently to the contribution made by Puerto Ricans to American life over these hundred years. It would give flesh to your welcome statements this past year by which you demonstrated your own and your government's commitment to human rights and justice.

We urge you therefore to take this step now, to right the scales of justice and to open the way to a new relationship with Puerto Rico and its people.

Respectfully yours,

Konrad Raiser
General Secretary

CL 07609

GENERAL COMMISSION ON RELIGION AND RACE
THE UNITED METHODIST CHURCH

Postal Address: 110 Maryland Ave., N.E. #48 • Washington, D.C. 20002-5680
Street Address: 100 Maryland Ave., N.E. (Suite 401) • (United Methodist Building) • Washington, D.C. 20002-5680
(202) 547-2271 • (202) 547-4828 (Self-Determination Fund) • (202) 547-0358 (FAX)

GENERAL SECRETARY
Barbara R. Thompson

ADMINISTRATIVE ASSISTANT
Phyliss D. McKoy

ASSOCIATE GENERAL SECRETARIES
Kenneth Deere
Elaine Jenkins
Esdras E. Rodriguez-Diaz
Hidetoshi Tanaka
James E. Taylor

October 28, 1993

Honorable William J. Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

We write today to call on you to exercise the constitutional power of pardon to grant immediate and unconditional release to the many Puerto Rican women and men in U.S. custody for their actions in favor of Puerto Rican independence.

There exist many reasons for you to exercise your power to release these men and women, including:

* Ten of the prisoners are serving terms of 55 to 90 years, sentences which are 19 times longer than the average sentence for all offenses in the year they were sentenced;

* Their disproportionate sentences punish them for who they are - anti-colonial combatants - rather than for what they did;

* Most have already served 10 and 13 years in prison, far longer than the average person convicted of murder is made to serve;

*Some have been held in the most maximum security prisons under restrictive conditions which even Amnesty International has condemned.

*They acted out of political motivation, not for personal gain.

U.S. history offers rich precedent for their release. Your predecessors throughout history have exercised the constitutional power of pardon to release people who acted or conspired to act against the government, including Confederate soldiers who took up arms in the Civil War and were convicted of treason, socialists convicted of organizing armed resistance to conscription for World War I, and Puerto Rican Nationalists who fired on Blair House in 1950 and on U.S. Congress in 1954.

History also reveals that the U.S. government has pressured the governments of other nations to free political prisoners. While examples abound, we will all recall a recent example, when U.S. economic sanctions were lifted from South Africa only following the regime's release of its political prisoners. In this regard, we welcome your recent initiative on international human rights, but point out that your administration may be opening itself to criticism if it does not apply an assertive human rights policy at home.

CL 07823

PRESIDENT • Bishop Joseph B. Bethea • 4908 Colonial Drive, #108 • Columbia, SC 29203
VICE-PRESIDENT and CHAIRPERSON, FUNDING COMMITTEE • Bishop S. Clifton Ives • 900 Washington Street, East, #300 • Charleston, WV 2

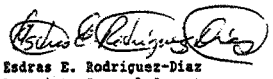
Honorable William J. Clinton
Page Two

Another reason to release the prisoners is that they are immensely talented, disciplined and mature men and women who could be making valuable contributions to the community, rather than costing the government hundreds and thousands of dollars to isolate and castigate.

Finally, we recognize that the United States would not exist today if the 13 colonies had not sought independence and fought to win freedom from the colonial yoke of Britain. It is an intolerable irony that the U.S. should punish others for seeking that which it celebrates.

We urge you to grant these men and women immediate and unconditional release.

Respectfully,



Esdras E. Rodriguez-Diaz
Associate General Secretary

CL 07824

Congress of the United States
Washington, DC 20515

March 29, 1995

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

Dear Mr. President:

We write in response to a request submitted to us by Mr. Manuel Mirabal, Chairman of the Steering Committee of Boricua First!, and President of the National Puerto Rican Coalition, Inc.

Boricua First! is the largest effort to date to unite Puerto Rican communities from throughout the country. More than 400 leaders of civic, community, and non-profit organizations met in an historic event held in Washington, D.C. on the weekend of October 22, 1994 and unanimously, adopted, a resolution asking for you to exercise your Presidential power of Pardon in the case of fifteen Puerto Rican political prisoners held currently in U.S. prisons.

We hereby enclose a copy of the Resolution for your information.

We agree wholeheartedly with the content of the resolution and we wish to add our individual voices to those of the great majority of Puerto Ricans, both on the island and on the mainland, who wish to advance along the path of reconciliation among all Puerto Ricans irrespective of their views on the future political status of the island.

Among the leaders who already have expressed publicly their desire that you exercise your power of pardon as an humanitarian and conciliatory gesture in this case are: former Governors Roberto Sanchez Vilella and Rafael Hernandez Colon; Senate President Roberto Rexach Benitez; Speaker of the House Zaida Hernandez; Senate Minority Leader Ruben Berrios Martinez; San Juan Mayor Hector Luis Acevedo; the Puerto Rico Federation of Labor (AFL-CIO); the Puerto Rico Manufacturers Association; the current President and several past presidents of the Puerto Rico Bar Association; and several local elected and Democratic party officials from New York, Chicago and Philadelphia.

The majority of these fifteen Puerto Ricans have served

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CL 07834

close to fifteen years in prison. We consider that they have been punished in a way that is disproportionate to the violations for which they were convicted, both in terms of sentencing and in terms of the time served when compared with both the average sentencing and the average time served of people convicted of murder, armed robbery, rape, and kidnapping.

None of these prisoners was convicted of causing personal injury to anyone.

We hereby request a meeting with you and Attorney General Janet Reno to discuss the details of this very important matter.

Sincerely,

José E. Serrano
Member of Congress

Nydia Velázquez
Member of Congress

Luis Gutierrez
Member of Congress

JES:cw
cc:
The Honorable Janet Reno, Attorney General
Pat Griffin
Marcia Hale
Jeff Farrow

CL 07835

NEW YORK
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Congress of the United States
House of Representatives
Washington, DC 20515–3215

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MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR
163 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 663-3900
2110 FIRST AVENUE
NEW YORK, NY 10029
TELEPHONE: (212) 348-9630
PLEASE RESPOND TO
OFFICE CHECKED

July 8, 1997

President William Clinton
The White House
Washington, DC 20500

Dear President Clinton:

I am writing in support of the numerous appeals by religious, political and community leaders around the country and in Puerto Rico for executive amnesty for the 15 Puerto Rican federal prisoners.

Members of the group have served at least 14, and as many as 17, years in prison. None had prior offenses, nor were they convicted of crimes that caused bodily harm. They have been punished enough for offenses motivated, not by a desire for personal gain, but by their political beliefs.

As you know, John Cardinal O'Connor, the Catholic Archbishop of New York, has written on their behalf. More recently, St. Cecilia's Church in East Harlem, home of two of the prisoners, has joined the campaign for clemency.

I urge you, in the spirit of compassion, to give serious consideration to this case, and to bring to an end their long period of confinement.

Sincerely,

Charlie

CHARLES B. RANGEL
Member of Congress

CBR/em

CL 07692

DANNY K. DAVIS
7TH DISTRICT, ILLINOIS
MEMBER-ELECT

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

January 15, 1997

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

Dear President Clinton:

I urge you to grant unconditional release to the fifteen Puerto Rican men and women in U.S. custody for their activities and beliefs in support of Puerto Rican independence.

In making this request, I am adding my voice to the growing current of support for their release based on their disproportionately lengthy sentences and disproportionate amount of time they have been held in prison. While I may not agree with the measure they took, I believe they have served enough time in prison.

I respectfully make this request mindful that these prisoners made valuable contributions to the Puerto Rican community in our country, and that many of their families are residents of our community who have, and continue to, impact our community positively. I welcome their reintegration into society.

Sincerely,

Danny K. Davis

Danny K. Davis
Member of Congress

DKD:jc

PRINTED ON RECYCLED PAPER

MAXINE WATERS
MEMBER OF CONGRESS
35TH DISTRICT, CALIFORNIA

COMMITTEES:
BANKING AND FINANCIAL SERVICES
JUDICIARY

Congress of the United States
House of Representatives
Washington, DC 20515–0535

PLEASE REPLY TO:
☐ 2344 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0535
(202) 225-2201
FAX (202) 225-7854
DISTRICT OFFICE:
10124 S. BROADWAY
SUITE 1
☐ LOS ANGELES, CA 90003
(213) 757-8900
FAX (213) 757-8406

June 2, 1997

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Clinton:

I am writing to encourage you to grant the unconditional release of fifteen Puerto Rican citizens incarcerated in prisons throughout the United States because of their beliefs and activities in support of Puerto Rican independence.

The majority of these prisoners have been charged with seditious conspiracy and are serving extremely lengthy sentences averaging sixty-five years. Their plight has engendered widespread support for their release from civic, religious, and labor leaders throughout the nation.

Prior to their incarceration these prisoners were professionals and community leaders who made tremendous contributions to the Puerto Rican community. In prison they have continued to be an asset to their communities by developing child care and AIDS awareness prevention programs, and teaching literacy and high school equivalency classes.

It is for these reasons that I respectfully urge you to reaffirm your commitment to human rights by granting the unconditional release of these prisoners.

Sincerely,

Maxine Waters

Maxine Waters
Member of Congress

CL 07680

RONALD V. DELLUMS
9TH DISTRICT, CALIFORNIA

RANKING MINORITY
COMMITTEE ON NATIONAL SECURITY

REPLY TO
OFFICE CHECKED:

☐ 2108 RAYBURN H.O.B.
WASHINGTON, DC 20515
(202) 225-2861

☐ 1301 CLAY STREET
SUITE 1000-N
OAKLAND, CA 94612
(510) 763-0370

Congress of the United States
House of Representatives

WASHINGTON OFFICE
CARLOTTIA A. W. SCOTT
ADMINISTRATIVE ASSISTANT
CHARLES C. STEPHENSON, JR.
LEGISLATIVE DIRECTOR

DISTRICT OFFICE
SANDRÉ R. SWANSON
DISTRICT DIRECTOR
H. LEE HALTERMAN
GENERAL COUNSEL

May 30, 1997

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

Dear President Clinton:

I write to urge you to consider granting amnesty to the fifteen Puerto Rican women and men who are in U.S. custody for their actions and beliefs on behalf of the cause of Puerto Rican independence. I join with the 34 members of the clergy, with United Church of Christ sponsorship, in asking you to act mercifully.

Before their incarceration, these women and men were teachers, students, community organizers, professionals and activists. It is my understanding that the prison administrators responsible for the administration of their incarceration report that they have behaved responsibly and further, have volunteered as teachers, done artwork, and developed and participated in programs contributing to the well-being of the other inmates.

My request for your consideration of amnesty does not validate or condone the activities for which they were convicted but is a reflection of the many years that they have already served, their successful effort to establish a record of responsibility, and their demonstration that their good citizenship while imprisoned are part of their basic character.

Thank you for your attention to this matter.

Sincerely,

Ronald V. Dellums
Member of Congress

CL 07693

RVD/yl

ELIOT L. ENGEL
17TH DISTRICT, NEW YORK
COMMITTEE
COMMERCE
SUBCOMMITTEES:
TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION
FINANCE AND HAZARDOUS MATERIALS
OVERSIGHT AND INVESTIGATIONS
2303 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3217
(202) 225-2464

Congress of the United States
House of Representatives
Washington, DC 20515-3217

DISTRICT OFFICES:
3965 JOHNSON AVENUE
BRONX, NY 10463
(718) 796-6700
655 EAST 233RD STREET
BRONX, NY 10466
(718) 652-0400
177 DREDGE LOOP, ROOM 3
BRONX, NY 10475
(718) 220-2314
250 SOUTH 6TH AVENUE
MOUNT VERNON, NY 10550
(914) 699-4100
87 NEPPERHAN AVENUE
YONKERS, NY 10701
(914) 423-0700

September 16, 1997

The President
The White House
Washington, DC 20500

Dear Mr. President:

I am writing to express concern with the continued imprisonment of fifteen Puerto Ricans on what appear to be politically-related grounds.

The prisoners have received disproportionately lengthy sentences, from 35-90 years, even though they were not charged with any acts which caused physical harm or property damage. As you know, sentences for violent crimes are usually not nearly as long as what these people face. They have already served between 14-17 years of their sentences -- more than enough to repay their debts to society.

I, therefore, urge you to consider using your Presidential Power of Pardon in a humanitarian gesture to end the excessive prison terms for the fifteen people involved.

Sincerely,

Eliot L. Engel

Eliot L. Engel
Member of Congress

ELE:jbs

CL 07694

PATSY T. MINK
SECOND DISTRICT, HAWAII

WASHINGTON OFFICE:
2135 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1102
(202) 225-4906
FAX: (202) 225-4987

DISTRICT OFFICE:
5104 PRINCE KUHIO FEDERAL BUILDING
P.O. BOX 50124
HONOLULU, HI 96850-4977
(808) 541-1986
FAX: (808) 538-0723

Congress of the United States
House of Representatives
Washington, DC 20515–1102

COMMITTEE ON STEERING AND POLICY
COMMITTEE ON BUDGET
COMMITTEE ON EDUCATION AND ECONOMIC OPPORTUNITY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
(on leave)

April 14, 1997

THE HONORABLE WILLIAM J. CLINTON
THE PRESIDENT
THE WHITE HOUSE
1600 PENNSYLVANIA AVE NW
WASHINGTON DC 20500

Dear Mr. President:

I am writing to respectfully request that you grant the pardon petition that has been filed for fifteen Puerto Rican men and women being held in prisons throughout the country. Enclosed are letters I have received which urge release of these political prisoners, most of whom have been incarcerated for more than 17 years, for their support of Puerto Rican independence.

Formerly teachers and community leaders striving to improve the lives of other Puerto Ricans, these political prisoners have been robbed of interminable years serving prison sentences three times longer than those handed down for murder, despite the absence of charges against them for any act involving bloodshed. After all of this time, these men and women deserve to see their ailing parents, attend funerals, spend time with their children -- basic activities with their families from which they have been expressly prohibited from participating.

I strongly urge your consideration of the desperate plight of these political prisoners, which becomes increasingly serious as months continue to pass. Your pardon is respectfully requested for Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Antonio Camacho Negrón, Dylcia Pagán, Juan Segarra Palmer, Oscar López Rivera, Alberto Rodríguez, Lucy Rodríguez, Alicia Rodríquez, Luis Rosa, Alejandrina Torres, Carlos Alberto Torres, and Carmen Valentín. Your attention to this matter is very deeply appreciated.

Very truly yours,

Patsy T. Mink

PATSY T. MINK
Member of Congress

CL 07681

BOBBY L. RUSH
1ST DISTRICT
ILLINOIS

COMMERCE COMMITTEE
SUBCOMMITTEES:
TELECOMMUNICATIONS AND FINANCE
ENERGY AND POWER
COMMERCE, TRADE AND
HAZARDOUS MATERIALS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

December 23, 1996

Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Clinton:

I am writing to urge you to grant unconditional release to the fifteen Puerto Rican men and women in U.S. custody for their activities and beliefs in support of Puerto Rican independence.

In making this request, I am adding my voice to the growing current of support for their release based on their disproportionately lengthy sentences and disproportionate amount of time they have been held in prison. While I may not agree with the measure they took, I believe they have served enough time in prison.

I respectfully make this request mindful that these prisoners made valuable contributions to the Puerto Rican community in our country, and that many of their families are residents of our community who have and continue to impact our community positively. I welcome their reintegration into society.

Sincerely,

Bobby L. Rush
Member of Congress

BLR/jt

CL 07682

WASHINGTON OFFICE
131 CANNON HOB
WASHINGTON, D.C. 20515-0997
(202) 225-4372

CITY OFFICE:
655 E. 79TH STREET
CHICAGO, IL 60619-3036
(312) 224-6500

SUBURBAN OFFICE:
9730 S. WESTERN AVENUE
SUITE 237
EVERGREEN PARK, IL 60805-2614
(708) 422-4005

LOUIS STOKES
11TH DISTRICT, OHIO

MEMBER,
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
RANKING MEMBER,
VA/HUD/INDEPENDENT AGENCIES
MEMBER,
LABOR/HHS/EDUCATION

Congress of the United States
House of Representatives
Washington, DC 20515–3511

2365 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–3511
(202) 225–7032

DISTRICT OFFICE:
3645 WARRENSVILLE CENTER RD.
SUITE 204
SHAKER HEIGHTS, OH 44122
(216) 522–4900

Reads ok

December 3, 1998

3/3/99
Just got this a couple of days ago

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

Dear President Clinton:

I join my colleagues in writing to encourage you to grant the release of fifteen Puerto Rican citizens that have been incarcerated in prisons throughout the United States because of their beliefs and activities in support of Puerto Rican independence.

I understand that the majority of these prisoners have been charged with seditious conspiracy and are serving extremely lengthy sentences averaging 65-years. Their plight has engendered growing support, for their release, from civic, labor, and religious leaders across the nation.

Prior to incarceration, these individuals were professionals and community leaders who made tremendous contributions to the Puerto Rican community. I understand that even in prison they have continued to be an asset to their communities by developing child care and HIV/AIDS awareness prevention programs, and teaching literacy and high school equivalency classes.

It is for these reasons that I respectfully urge you to give full consideration to the requests that have been made in an effort to help resolve this human rights matter.

Sincerely

LOUIS STOKES
Member of Congress

LS/fw

CL 08327

PRINTED ON RECYCLED PAPER

CYNTHIA A. McKINNEY
4TH DISTRICT, GEORGIA

COMMITTEE ON INTERNATIONAL RELATIONS
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
WESTERN HEMISPHERE

COMMITTEE ON NATIONAL SECURITY
MILITARY READINESS

Congress of the United States
House of Representatives
Washington, DC 20515–1011

WASHINGTON OFFICE:
126 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225–1605
FAX (202) 226–0891

DISTRICT OFFICE:
246 SYCAMORE STREET
SUITE 110
DECATUR, GA 30030
(404) 377–6900
FAX (404) 377–6909

INTERNET ADDRESS:
cymck@hr.house.gov

June 3, 1999

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

Dear President Clinton:

I write this letter to inform you of a great injustice taking place in our midst. Today, in our Federal Penitentiaries, fifteen Puerto Rican political prisoners are being punished because they desire what we cherish most: Sovereignty and Independence. Their crimes were not committed to cause malice, for personal gain, or any other selfish reason. Their sole crime was their commitment to freedom and dignity for Puerto Rico. How long must they suffer for feelings we consider the cornerstone of our great Nation?

I support my fellow Members of Congress in petitioning for a presidential pardon on the grounds of fairness and justice. I ask you Mr. President to look within your heart and do the right thing.

Sincerely,

Cynthia McKinney
Member of Congress

CAM/ja

"THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE"
PRINTED ON RECYCLED PAPER

CL 08286

FROM THE ANGLICAN ARCHBISHOP OF CAPE TOWN
The Most Reverend Desmond M. Tutu, D.D. F.K.C.

BISHOPSCOURT CLAREMONT CAPE 7700

TELEPHONE: (021) 761-2531
FAX: (021) 761-4193

RQS/mt

28 August 1995

President W Clinton
The White House
WASHINGTON DC 20500
United States of America

Dear Mr President,

PUERTO RICO PRISONERS:

I have received an appeal from the Bishop of Puerto Rico for assistance in obtaining the release of fifteen Puerto Rican prisoners, presently held in San Francisco.

The Bishop believes that these people have been wrongly imprisoned and appeals to your office for their release on humanitarian grounds. The names given are:

> Elizam Escobar; Dylcia Pagan; Ida Luz Rodriguez; Carmen Valentin; Antonio Camacho-Negrón; Edwin Cortes; Alejandrino Torres; Adolfo Matos Natongiorgi; Alicia Rodriguez; Luis Rosa; Juan Segarra-Palmer; Carlos Albert Torres; Ricardo Jimenez; Alberton Rodriquez; Oscar Lopez-Rivera.

My first letter of appeal was directed to the United States Ambassador here and now I appeal to your office on behalf of my brother Bishop to consider clemency for these prisoners.

God bless you in the tremendous responsibility you carry.

Yours sincerely,

Desmond Cape Town

CL 07812

c.c. The Presiding Bishop of ECUSA
The United States Ambassador

The Washington Post 12/17/96

DEAR PRESIDENT CLINTON:

As religious leaders, we write to urge you to **grant amnesty for the fifteen Puerto Rican** men and women incarcerated in the United States because of their actions on behalf of the cause of Puerto Rican independence. We affirm your commitment to human rights in the international context and your role in the reconciliation process in conflicted areas such as Northern Ireland and the Middle East, which has led to the release of political prisoners there. We pray for the release of our own political prisoners in the US, so that as a nation, we might practice at home what we preach abroad.

As people of faith, we are not united about the status of Puerto Rico, nor about the means employed by these fifteen women and men in their quest for an independent Puerto Rico. Given the long years in prison these men and women have already served, however—years longer than time served by persons convicted of murder—we are united in our compassion and our commitment to their release.

Prior to their incarceration, these women and men were teachers and students, community organizers, professionals, and activists. In prison they have done artwork, developed child care and AIDS awareness and prevention programs, and taught literacy, high school equivalency, and English as a Second language classes.

Now we join in appealing to you, as a person of faith and compassion, to allow these prisoners to return to the families and communities that await them. In such an act, we would surely see a sign of God's mercy and grace.

The Rt. Rev. David A. Álvarez
Bishop, Episcopal Church of Puerto Rico, Saint Just

The Rt. Rev. Craig B. Anderson
President and Dean, General Theological Seminary, New York City

The Rev. Yamina Apolinaris
Executive Minister, Baptist Church of Puerto Rico, Hato Rey

Bishop Richard O. Bass, Sr.
Ecumenical Officer
Christian Methodist Episcopal Church
Birmingham

Bishop Victor Bonilla
Methodist Church of Puerto Rico
Hato Rey

The Rt. Rev. Edmond L. Browning
Presiding Bishop, Episcopal Church
New York City

The Rev. Dr. Joan Brown Campbell
General Secretary
The National Council of the Churches of Christ, New York City

Bishop Clarence Carr
Presiding Bishop, Western Episcopal District, African Methodist Episcopal Zion Church, Greendale, Missouri

The Rev. Luis E. del Pilar
General Pastor, Disciples of Christ of Puerto Rico, Bayamón

The Rev. Harry del Valle
Synod Executive, Presbyterian Synod of Boriquén Puerto Rico, Mayagüez

Ms. Marie Dennis
Maryknoll Peace & Justice Office
Washington, DC

The Rev. Dr. Thomas E. Dipko
Executive Vice President, United Church Board for Homeland Ministries
United Church of Christ, Cleveland

Bishop William Boyd Grove
Ecumenical Officer, United Methodist Church, Albany

The Most Rev. Thomas J. Gumbleton
Catholic Archdiocese of Detroit

The Rev. Dr. Richard Hamm
General Minister and President
Christian Church (Disciples of Christ)
Indianapolis

The Most Rev. Enrique Hernández
Catholic Diocese of Caguas
Puerto Rico

Bishop Charlene Kammerer
Western North Carolina Conference
United Methodist Church, Charlotte

The Rev. Osvaldo Malavé Rivera
Conference Minister, United Church of Christ of Puerto Rico, Río Piedras

Ms. Annie Milner
African Methodist Episcopal Church
Atlanta

The Rev. Dr. Jeffrey Newhall
General Secretary, International Council of Community Churches
Mokena, Illinois

The Rt. Rev. James H. Ottley
Anglican Observer to the United Nations, New York City

The Rev. Tyrone Pitts
General Secretary
Progressive National Baptist Convention, Inc., Washington, DC

Sister Nilda Resto Gómez
Coordinator, Community of Jesus Christ the Mediator
Bayamón, Puerto Rico

The Rev. Moises Rosa Ramos
Executive Secretary
Evangelical Council of Churches
Río Piedras, Puerto Rico

The Rev. Dr. Paul H. Sherry
President, United Church of Christ
Cleveland

Ms. Nancy Small
National Coordinator, Pax Christi USA
Erie

Dr. Luther Smith
Candler School of Theology
Atlanta

Dr. Betty V. Stith
Secretary, Women's Home and Overseas Missionary Society
African Methodist Episcopal Zion Church, New Rochelle, New York

The Most Rev. Walter Sullivan
Catholic Diocese of Richmond, Virginia

Bishop Melvin G. Talbert
California-Nevada Conference
The United Methodist Church
West Sacramento

The Rev. Dr. Daniel E. Weiss
General Secretary, American Baptist Churches USA, Valley Forge

Dr. Donnell Williams
African Methodist Episcopal Church
Northport, Alabama

Mr. Addison Young
African Methodist Episcopal Church
Atlanta

Bishop McKinley Young
Ecumenical Officer and President
Council of Bishops
African Methodist Episcopal Church
Atlanta

CL 13306

sponsored by the United Church Board for Homeland Ministries for the United Church of Christ, 700 Prospect Avenue, Cleveland, OH 44115, 216 736-3280

Open Letter to PRESIDENT CLINTON:

Free Puerto Rican Political Prisoners

As citizens engaged in business, industry, civic activities and as Puerto Rican leaders, we call upon you to release the fifteen (15) Puerto Rican men and women imprisoned in the United States for their activities seeking independence for Puerto Rico. They are serving disproportionately lengthy sentences, with no hope for parole, while social prisoners routinely serve a fraction of the more than fourteen (14) years most of these women and men have already served. Regardless of what we may think about the status of Puerto Rico or efforts to gain its independence, we urge you, in the best spirit of reconciliation and the search for peace which is prevailing in the world today as reflected in your initiatives towards enhanced understanding among the people of South Africa, Haiti, the Middle East and Northern Ireland, to excercise your constitutional power of pardon, as have so many presidents before you, to free these incarcerated Puerto Ricans.

From Puerto Rico:
Sen. Roberto Rexach Benitez, (New Progressive Party, PNP), President, Puerto Rican Senate
Rep. Zaida Hernández Torres, (New Progressive Party, PNP), Speaker of Puerto Rico's House of Representatives
Sen. Miguel Hernández Agosto, Popular Democratic Party (PPD), Senate Minority leader, Puerto Rican Senate
Sen. Ruben Berrios, Puerto Rican Independence Party (PIP)
Rep. David Noriega, Puerto Rican Independence Party (PIP)
Gov. Rafael Hernández Colon, ex-governor, Popular Democratic Party (PPD)
Gov. Roberto Sánchez Vilella, ex-governor, Popular Democratic Party (PPD)

Puerto Rican Federation of Labor (AFL-CIO) and its Executive Committee:
Valentín Hernández, President
José M. Torres, Secretary-Treasurer
José E. Cádiz, 1st Vice-President
Carmen Fanny Valdes, Vice-President
José Feliciano, Vice-President
Carlos Ortíz, Vice-President

Puerto Rican Manufacturers Association

Puerto Rican Bar Association and Present and Past Presidents:
Harry Anduze Montano 1994-96
Carlos Noriega 1992-94
José M. Sagardia Perez 1990-92
Hector Lugo Bougal 1986-88
Luis F. Camacho 1980-82
Angel Tapia Flores 1978-80
Graciany Miranda-Marchand 1976-78
Francisco Aponte Perez 1970-72
Rodolfo Cruz Contreras 1968-70
Noel Colón Martínez 1964-66

From New York:
Congressman José E. Serrano (D-NY)
Congresswoman Nydia M. Velázquez (D-NY)
Sen. Efraín González, New York State Senator
Councilman José Rivera
Councilman Adam Clayton Powell
Roberto Ramy, Bronx Democratic Party Chairman
Fernando Fuentes, Councilman, 2nd District, Yonkers
Willie Colon

From Chicago:
Congressman Luis V. Gutierrez (D-IL)
Alderman Billy Ocasio

From Philadelphia:
Councilman at Large Angel L. Ortiz

Adolfo Matos | Alejandrina Torres | Oscar López | Antonio Camacho | Carlos Torres | Lucy Rodríguez | Luis Rosa | Alicia Rodríguez

Carmen Valentín | Alberto Rodríguez | Edwin Cortés | Elizam Escobar | Juan Segarra | Dylcia Pagán | Ricardo Jiménez

National Committee to Free Puerto Rican Political Prisoners, 1112 N. California, Chicago, Illinois 60622 312/ 278.0685 fax 312/342.6609

THE NEW YORK TIMES OP-ED FRIDAY, DECEMBER 9, 1994.

CL 15032

OFFICE OF THE CARDINAL
1011 FIRST AVENUE
NEW YORK, NY 10022-4134

March 12, 1996

Dear Attorney General Reno,

I am writing to you to request your review of the cases of 15 Puerto Rican Federal prisoners (identifying information attached) for pardon or other remedy that would serve the cause of justice.

During the early 80's, these prisoners, who identified themselves with Puerto Rican nationalism, were convicted of a series of crimes and sentenced to long periods in prison. My own review of information on these cases has convinced me of the very serious nature of these crimes. However, my review has also raised questions in my mind concerning whether the relative degree of culpability of individual group members was adequately considered at trial. Although the prisoners must accept the consequences of their decision to refuse to defend themselves, this certainly must have hampered the Courts' ability to determine the degree of guilt for individual defendants.

I also am concerned that there may be grounds of clemency, given the relative youth of many of the prisoners at the time of the commission of the crimes, and given that many years of very long sentences have already been served. I would think that whether any of the prisoners have renounced violence as a means of achieving political ends would also be an important factor to consider.

I am aware that you have been contacted by groups who are urging the release of all 15 group members as "political prisoners". My concern, however, is primarily for a review of all of these cases on humanitarian grounds. I ask your consideration of these cases for determination of where injustice has been done or where justice has been served by time already spent in prison.

Thank you for your attention to this matter. If there is more information which you require, please do not hesitate to contact me.

Faithfully in Christ,

John Cardinal O'Connor
Archbishop of New York

The Honorable Janet Reno
Attorney General
Washington, DC 20503

CL 15190

ADDITIONAL VIEWS OF CHAIRMAN DAN BURTON

During the course of various Committee investigations, the Reno Justice Department has done almost everything in its power to minimize political damage to the Administration or itself and to stymie Congressional investigations. Often, these two functions are coextensive. The Department has:

- Withheld documents for lengthy periods of time;
- Illegally leaked information;
- Sought disparate punishment for perpetrators of equivalent crimes;
- Failed to investigate and prosecute clearly illegal conduct;
- Investigated political opponents on little or no evidence that they have committed any crime;
- Favored requests by Congressional Democrats and denied similar requests by Congressional Republicans;
- Failed to remove political appointees from the decision-making process in matters involving the President, the Attorney General or other political employees.

In short, the Justice Department has generally behaved in a fashion more suited to criminal defense counsel than custodians of the public trust. So it has gone with the FALN and Macheteros clemency investigation. These additional views focus on information that has previously not been made available to the public. They also provide a window into the way the Department of Justice has discharged its duties towards the public and Congress. The first two sections of these Views discuss information recently obtained by the Committee. The third section discusses the Department of Justice's conduct in turning relevant information over to Congress.

I. Dr. Luis Nieves-Falcón

The Committee has learned that the coordinator of FALN and Macheteros clemency efforts is a *member* and a *leader* of the FALN.[1] The Department of Justice knew about this information, and it is unthinkable that they would not convey this to the President. Well before the clemency decision was made, the President and his staff knew about the gravity of the decision. Therefore, I am astounded that the President would disregard information about Dr. Falcón and make a decision favorable to the FALN and Macheteros terrorist organizations. I am even more concerned than ever that the President's claim of executive privilege has hidden information that the public has a right to know, and I believe that the President should waive his claim of privilege and let the White House documents shine additional light on what happened prior to the clemency decision.

The offer of clemency to so many terrorists is a matter of great concern to the Committee. The fact that the White House and the Department of Justice were

[1] Law enforcement has requested that the Committee not divulge the source of this information.

negotiating with a terrorist leader, and working with him as a partner to achieve the goal of letting the terrorists out of prison, is unconscionable. The Committee takes the view that it was a shocking breach of trust for the President and his staff to negotiate with someone in an FALN leadership position. Not only is this an insult to the victims (who did not even merit replies to their letters), it is also inexplicable that the White House and the Justice Department -- which was also negotiating with Dr. Falcón on a regular basis -- would enhance the profile of a terrorist leader by giving him such preferential treatment. Furthermore, the fact that the FALN and Macheteros members had the audacity to have one of their leaders coordinate clemency efforts[2] -- and sign the clemency petitions on their behalf -- should have resulted in summary denial of the requests. I am at a loss to understand what good faith rationale the White House could advance for negotiating with a terrorist leader. Indeed, as was pointed out in the main body of this Report, the White House not only negotiated with terrorists, it went out of its way to help the terrorists achieve their objective.[3] Although the Committee has not been told when the Justice Department first had this information, it was certainly in the hands of the Department during the final clemency negotiations.

The list of Administration officials who have had dealings with Dr. Falcón is a long one. It includes:

- Bernard Nussbaum, Counsel to the President[4]
- Abner J. Mikva, Counsel to the President[5]
- Jack Quinn, Counsel to the President[6]
- Philip B. Heymann, Deputy Attorney General[7]
- Eric H. Holder, Deputy Attorney General[8]
- Maria Echaveste, Deputy Chief of Staff, The White House[9]
- Margaret Colgate Love, Pardon Attorney[10]

In one White House letter, a Special Assistant for the President writes the following to Falcón: "Thank you very much for your letter to President Clinton concerning executive clemency for several Puerto Ricans incarcerated in federal prisons. *The President has*

---

[2] Letter from Dr. Luis Nieves-Falcón, to President William J. Clinton (June 21, 1995) (Exhibit 15).
[3] *See* "The White House's Role in the Clemency Process," at Section III. B. 6.
[4] Letter from Bernard W. Nussbaum, to Dr. Luis Nieves-Falcón (August 27, 1993) (Exhibit 1).
[5] Letter from Abner J. Mikva, to Dr. Luis Nieves-Falcón (March 8, 1995) (Exhibit 2).
[6] Letter from Luis V. Gutierrez, Member of Congress, to Jeff Farrow, Co-Chair, The Interagency Working Group on Puerto Rico (December 6, 1996) (indicating a planned meeting between Dr. Falcón and Jack Quinn at the White House) (Exhibit 3).
[7] Letter from Philip B. Heymann, to Dr. Luis Nieves-Falcón (Undated) (Exhibit 4).
[8] Letter from Eric H. Holder, Jr., to Dr. Luis Nieves-Falcón (September 8, 1998) (Exhibit 5).
[9] There are extensive communications from Dr. Falcón to Maria Echaveste. The President's claim of executive privilege makes it unclear whether Echeveste met with, or communicated with, Dr. Falcón. (Exhibit 6).
[10] Letter from Margaret Colgate Love, Pardon Attorney, to Dr. Luis Nieves-Falcón (April 3, 1995) (Exhibit 7); letter from Margaret Colgate Love, Pardon Attorney, to Dr. Luis Nieves-Falcón (May 18, 1994) (Exhibit 7).

asked me to respond on his behalf."[11] Whether the President literally focused on this request is not known. Clearly, however, Dr. Falcón did achieve a great deal of access at the highest levels of government. Although the Committee is not yet certain how many times Dr. Falcón was admitted to the White House, he was scheduled to attend a meeting in the Roosevelt Room on December 20, 1996.[12] This was the day after Dr. Falcón was scheduled to meet with Counsel to the President Quinn in the White House.

In addition to his high level contacts at the White House and Department of Justice, Dr. Falcón also served as legal counsel to some of the incarcerated terrorists.[13] In this guise, he was given unsupervised, confidential access to members of his organization.

II. The FALN and Macheteros Threat Assessments

On November 5, 1999, the Committee learned that the Justice Department had prepared Threat Assessments of the incarcerated members of the FALN and Macheteros organizations.[14] In an effort to accommodate legitimate law enforcement concerns, these Threat Assessments are not being made public in their entirety. Sections of the documents that can be made public contain the following previously undisclosed information:

- Antonio Camacho-Negron "had knowledge of a conspiracy to kill a government official."[15] This is one of the individuals represented to be non-violent. It appears that information pertaining to this conspiracy was not required as a quid pro quo for the clemency offer.

- As of July 21, 1998, the FBI "anticipated that they will not be [pardoned]." It was also thought that "the potential exists for a return to violent tactical actions rather than public relations campaigns."[16]

- There is a clear Cuban connection for the Macheteros and FALN terrorists. The "father" of the FALN is a "trained Cuban intelligence officer."[17] Furthermore, the fugitive William Morales "is regarded by many as the current overall leader of the

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[11] Letter from James A. Dorskind, Special Assistant to the President, to Dr. Luis Nieves-Falcón (July 24, 1995) (emphasis added) (Exhibit 8).
[12] Memorandum from Jeff Farrow to Dawn Chirwa, Suzanna Valdez and Janet Marguia (December 12, 1996) (Exhibit 9).
[13] *See, e.g.*, Memorandum from Patty Gotts (November 3, 1995) (Exhibit 10). Other documents reflecting Dr. Falcón's involvement with Administration officials are found at Exhibit 11.
[14] The FALN Threat Assessment is Exhibit 12. The Macheteros Threat Assessment is Exhibit 13. These Exhibits have been created by the Justice Department for public release. In a show of extreme bad faith, the Department has refused, as of the date of the submission of this Report, to provide the actual Threat Assessments with redactions. Instead, the Department created doctored versions of the Threat Assessments, presumably to make it appear that the redacted information is not as voluminous as it in fact is.
[15] Macheteros Threat Assessment at (Exhibit 13).
[16] *Id.*
[17] FALN Threat Assessment (Exhibit 12).

FALN and is thought to be residing in Cuba as a subsidized guest of the Castro government, along with FALN fugitive, Luis Rosado-Ayala."[18]

- "Oscar Lopez-Rivera . . . tactical general and lead bomb trainer, is currently the senior FALN member in BOP custody."[19] This shows the deceptive nature of the White House representations that those offered clemency were low-level, non-violent offenders.

- The FALN considered innovative escape techniques in addition to those mentioned in the body of this report – "such as a plot to fly a remote controlled model airplane packed with C-4 explosives into the open window of a penitentiary gun tower[.]"[20]

- One escape plot involved "heavy use of attorneys and paralegals to pass escape plot materials through the visiting room."[21]

- "At least one computer in the Education Department [of a federal prison] was compromised and attempts were made to use it (via an illicit modem) to coordinate logistics and safe-house plans with a recently-released inmate using a computer in the Denver area."[22]

- The attempt by Oscar Lopez-Rivera to escape from Leavenworth was "the largest domestic terrorism case in FBI history."[23] Two individuals who attempted to procure 50 pounds of C-4 explosives for the escape attempt "remained on the FBI '10 Most Wanted List' for 8 years until their eventual surrender to authorities on 12/6/94."[24]

Given this additional information, I find the President's explanations regarding the clemency decision even less credible than before the Threat Assessments were provided to the Committee.

III. The Failure of the Justice Department to Provide the Threat Assessments in a Timely Fashion

On September 1, 1999, the Committee served the Department of Justice with a subpoena for documents. The return date of the subpoena was September 15, 1999. Extensions to this compliance date were amicably arranged. However, within one week of the original compliance date, a senior staff member of the Justice Department's Office of Legislative Affairs was provided with a copy of Threat Assessments discussing those offered clemency by the President.[25] In the thousands of pages of documents produced

[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] According to Thomas R. Kane, the Assistant Director for Information, Policy and Public Affairs, "I cannot provide you with a precise date, but I am certain that the FALN threat assessment was sent to OLA

to the Committee, these were among the most significant. Nevertheless, the Justice Department failed to provide the Committee with a copy of these documents at the time of the September 21, 1999, full Committee hearing on the FALN and Macheteros clemency matter. Indeed, it was not until a few days before the Committee was to vote on this report -- *in November* -- that the Department even notified the Committee of the existence of the Threat Assessments. Approximately six weeks elapsed between the time that these documents were provided to the Justice Department Office of Legislative Affairs and the Committee's notification about the documents. Furthermore, these are the only documents subject to such treatment. One can only conclude that there was purposeful deception or monumental, self-serving incompetence. Either is unacceptable.

Upon review, which first took place on November 8, 1999, it was obvious that the documents were very embarrassing to the Administration, called into question the motives of the President in coming to agreements with those offered clemency, and cast *additional* doubt on the wisdom and propriety of offering clemency to sixteen convicted terrorists. The only conclusion that I am able to draw from the Department's delaying tactic is that it did not want the public to know that there is information about these so-called "non-violent" offenders that is too sensitive for the public to see.

The timing of the production of this document is an interesting case study in how this Department of Justice chooses to discharge its responsibilities. Justice Department officials were asked on three separate occasions when the Office of Legislative Affairs first received this document.[26] One month has gone by and they have still not answered the simple question. It required me to write to the Bureau of Prisons to determine what actually happened. In short, the Justice Department simply refuses to admit that it kept this document from Congress during the period when public and media interest in this subject were at their most intense.

Furthermore, once the Department notified Congress that it was in possession of the document, the unprofessional -- but politically rewarding -- conduct did not stop. A meeting was immediately scheduled for November 8, 1999, to assess Department of Justice concerns regarding the sensitive nature of the information in the documents. Congressional staff were informed that representatives of the Bureau of Prisons and the FBI would be present so that all parties with concerns about release of the document would be present. Curiously, no FBI representatives attended the meeting. It was agreed that the parties would reconvene the following day, November 9, 1999, this time with the FBI present, in order for Congressional staff to make a good faith effort to identify the material that could be redacted from the documents. The Committee's Chief Counsel was assured that the FBI would indeed be present so that all interested parties would be in attendance. Notwithstanding Justice Department representations, FBI representatives failed to attend the meeting. Thus, after two lengthy meetings, neither Majority nor

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sometime around the 21st of September." Letter from Thomas R. Kane, Assistant Director for Information, Policy and Public Affairs, to Honorable Dan Burton, Chairman, Committee on Government Reform (November 24, 1999) (Exhibit 14).

[26] Verbal requests were made to Senior Special Counsel Faith Burton on November 8, 1999, to Louis Farrah on November 9, 1999, and to Faith Burton on November 16, 1999.

Minority Congressional staff had been given any insight into whether the FBI had any concerns about release of information contained in the Threat Assessments. From the Justice Department's perspective – given the way news is covered by the media and the political benefits attached to keeping information from Congress while it is in session – this was a positive result.

It was not until nearly three weeks later that the Committee learned why FBI representatives had not attended either of the two meetings – they did not know about them. The Justice Department's Office of Legislative Affairs had simply failed to invite them. Even though they understood the purpose of the meeting was to obtain the FBI's input, and even though the Department provided assurances that the FBI would be present, the Justice Department failed to notify the FBI that meetings to discuss concerns about the threat assessments were to occur.

While it is true that additional meetings were later scheduled to permit the FBI to share their concerns, and while it is no doubt true that the Department of Justice will make a "no harm, no foul" argument about its misrepresentations, a few points must be made. First, the Department succeeded in wasting a considerable amount of time and obscuring the fact that it failed to produce a significant document to Congress in a timely fashion. Second, and of greater importance, the Justice Department managed to push discussions about the Threat Assessments beyond the Congressional adjournment, thus making it more difficult to schedule Congressional hearings to examine the issues presented in the document. This type of needless delay has been the hallmark of an organization that has political damage control as its primary mission. Furthermore, if the Committee had not followed up on these issues, the Department would have managed to keep information from the public, thereby defeating the purpose of the original Congressional subpoena.

A final note on the FALN and Macheteros Threat Assessments. At the conclusion of a very productive meeting between Congressional representatives and the FBI, convened on December 3, 1999, the Committee was provided copies of the two Threat Assessments. Although the original FALN and Macheteros threat assessments were over ten pages long, the documents as produced were only four pages long. Although Justice Department officials had been told that redactions of sensitive information were acceptable, but that the documents could not be altered apart from the blacking out of sensitive information, Justice Department officials decided to ignore the Congressional request, disregard a Congressional subpoena and act in absolute bad faith.[27] In fact, the Justice Department permitted the Bureau of Prisons to reformat the documents to make them appear very short, and to mislead all who viewed them that very little information had indeed been redacted. To this day, the Justice Department still has not provided copies of the properly redacted documents. The Department's concerns, of course, are transparent. If the sixteen FALN and Macheteros terrorists were suitable for clemency, and the President's representations were in fact made in good faith, why would there be information about these people and their associations that is too sensitive to release? I

[27] Office of Legislative Affairs personnel, on notice that the documents could be redacted but not altered, supervised the process.

am at a loss to identify any other clemency decision where it is acceptable to release incarcerated individuals, and yet information about them cannot be shared with the public at large.

EXHIBIT 1

THE WHITE HOUSE

WASHINGTON

August 27, 1993

Dear Dr. Nieves-Falcon:

The President has forwarded your letter concerning Puerto Rican Political Prisoners to the Office of Counsel. Your letter has been sent to Loretta Avent, Office of Intergovernmental Affairs for any appropriate action.

Sincerely,

Bernard W. Nussbaum
Counsel to the President

Dr. Luis Nieves-Falcon
P.O. Box 20190
Rio Piedras, Puerto Rico 00928

CL 07818

EXHIBIT 2

THE WHITE HOUSE

WASHINGTON

March 8, 1995

Dear Dr. Nieves-Falcon:

Thank you for your letter to the President regarding the executive clemency petitions of fifteen Puerto Rican prisoners. The President has asked me to respond on his behalf.

The process for seeking executive clemency in the form of a commutation of sentence can be very lengthy, particularly in a case such as this one involving numerous individuals. When the Pardon Attorney's review is complete, the Deputy Attorney General will forward a recommendation to the President. The President will then be in a position to consider the petitions. Your views will be available to the President when he makes his decisions.

Again, thank you for writing to the President on this serious matter.

Sincerely,

Abner Mikva

Abner J. Mikva
Counsel to the President

Dr. Luis Nieves-Falcon
Apartado Postal 20190
Rio Piedras, Puerto Rico 00928

cc: Margaret Colgate Love
Pardon Attorney

1042020

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
406 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-8203

Congress of the United States
House of Representatives
Washington, DC 20515-1304

COMMITTEES:
BANKING AND FINANCIAL SERVICES
SUBCOMMITTEES:
HOUSING AND COMMUNITY OPPORTUNITY
CAPITAL MARKETS, SECURITIES AND GOVERNMENT SPONSORED ENTERPRISES
VETERANS' AFFAIRS
SUBCOMMITTEE:
HOSPITALS AND HEALTH CARE

To: Dawn
Fr: Jeff

December 6, 1996

EXHIBIT 3

Mr. Jeff Farrow
Co-Chair, The Interagency Working
Group on Puerto Rico
Washington, D.C. [sent via fax]

Dear Jeff:

Thank you very much for your assistance in scheduling a meeting with Mr. Jack Quinn to discuss the issue of the Puerto Rican political prisoners. This issue is of vital importance to my colleagues Nydia Velázquez and José Serrano and to me.

I have also received a request from Puerto Rico to help arrange a meeting at the White House with representatives of Puerto Rico's church, labor, private and political sectors, and of U.S. Puerto Rican elected officials, with an appropriate representative of President Clinton. They would like to deliver more than 80,000 petitions to President Clinton that have been collected on the island during the past few months.

Dr. Luis Nieves Falcón, who chairs the Puerto Rican Committee on Human Rights has indicated the following persons would attend the meeting:

Bishop David Álvarez, United Church of Christ; Bishop Enrique Hernández, Catholic Church; Rev. Osvaldo Malavé Rivera, U.C.C.; Senator Antonio Faz Alzamora, Popular Democratic Party; Senator Roberto Rexach Benítez, New Progressive Party: Manuel Rodríguez Orellana, Esq., Puerto Rican Independence Party; a representative of the Puerto Rico Manufacturers Association; a representative of the Puerto Rico AFL-CIO; Ms. López, a public school principal, and Mr. Nieves Falcón.

From the United States: Councilman José Rivera, of New York; Assemblyman Roberto Ramírez, chairman of the Bronx Democratic Party; Councilman Ángel Ortiz of Philadelphia; Alderman Billy Ocasio, of Chicago, and Jan Susler, Attorney for many of the prisoners. They are also requesting that the three Puerto Rican Congresspersons attend the meeting.

They are requesting this meeting for December 18, 19 or 20, if possible.

I understand how busy the Administration is during the transition.

DISTRICT OFFICES
2101 NORTH ELSTON AVENUE
CHICAGO, IL 60614
(312) 525-0000
(312) 525-1508 TDD Line
Monday-Friday
9 A.M. - 5 P.M.

2132 WEST 31ST STREET
CHICAGO, IL 60609
(312) 579-0000
Monday-Friday
9 A.M. - 5 P.M.

PRINTED ON RECYCLED PAPER

2Mr. Jeff Farrow
12/06/96

However, given the human urgency of this case I will greatly appreciate your assistance in scheduling this meeting.

A possibility, given that Congresswoman Velázquez, Congressman Serrano and I may be able to meet on December 19, is to coordinate both meetings for that date, if that is convenient to the Administration.

In any case, I do appreciate your help with this matter.

Please coordinate your efforts with Enrique.

Thank you.

Sincerely,

Luis V. Gutiérrez
Member of Congress

CL 08458

EXHIBIT 4

U.S. Department of Justice

***Action Memorandum**

1. To: Philip B. Heymann Deputy Attorney General	2. Correspondence Control No.:	3. Due date/Action Forcing Events:
4. Subject: Campaign by Ofensiva '92 Puerto Rican Prisoners	5. ☐ Basic Document ☒ Response	

6. Internal Concurrences			7. External Concurrences		
Office Symbol	Name / Signature	Date	Agency Symbol	Office Symbol	Date
DAG					
ASG					
OLC					
OLA					
OPC					
JMD					

8. List office symbols of those offices that should review memorandum:

9. Point of contact (*Name*):	10. Telephone No.	11. Office:	12. Date:
Margaret Colgate Love	616-6070	Pardon Attorney	7/28/93

13. Summary:

Dr. Luis Nieves Falcon urges the release of 18 Puerto Rican men and women.

14. Action required	15. Reason for action:
DAG's signature	1042351

16. From (*Name/signature*):	17. Telephone No.	18. Office:	19. Date:
Margaret Colgate Love	616-6070	Pardon Attorney	7/28/92

*Required for all transmittals to the Attorney General/Deputy Attorney General/Associate Attorney General

Form DOJ-547
Nov. 92

6

Office of the Deputy Attorney General
Washington, D.C. 20530

Dr. Luis Nieves Falcon
Coordinator, Ofensiva '92
Post Office Box 20190
Rio Piedras, Puerto Rico 00928

Dear Dr. Falcon:

This is in response to your letter of July 5, 1993 to the Attorney General enclosing some 3,000 letters requesting the release of 18 Puerto Rican men and women currently serving prison terms. You state that in the near future your organization will make formal application to the President requesting the release of these individuals.

As the Pardon Attorney advised you by letter dated July 12, 1993, executive clemency for one convicted of a federal offense is generally considered only upon formal application by the individual involved. See 28 C.F.R. § 1.1. Forms for this purpose are available at the institution where the individual is incarcerated, and his or her case worker can advise as to the proper procedure for applying. If any of the individuals whose release you seek do submit applications, they will of course be carefully considered.

The background information submitted by your organization to the Pardon Attorney indicates that at least two of the 18 individuals in question were convicted of violating Illinois state laws, and are incarcerated in Illinois state penal institutions. Since the President's constitutional authority to commute prison sentences extends to federal offenses only, clemency for the individuals imprisoned under the laws of Illinois must be sought from the Governor of Illinois.

I hope the above information is responsive to your concerns and thank you for writing to the Attorney General.

Sincerely,

Philip B. Heymann
Deputy Attorney General

1042352

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: FALCON, LUIS NIEVES, OFENSIVA '92, PUERTO RICO
To: AG. ODD: 07-27-93
Date Received: 07-12-93 Date Due: 07-27-93 Control #: X93071314629
Subject & Date
07-05-93 LETTER (UNSIGNED) FORWARDING OVER 3,000 LETTERS IN SUPPORT OF THE IMMEDIATE AND UNCONDITIONAL RELEASE OF THE MANY PUERTO RICAN WOMEN AND MEN IN U.S. CUSTODY FOR THEIR ACTIONS IN FAVOR OF PUERTO RICAN INDEPENDENCE (SAMPLE LETTER ATTACHED). REQUESTS THAT THE AG RECOMMEND TO THE PRESIDENT THAT HE EXERCISE HIS CONSTITUTIONAL POWER TO RELEASE THEM.

SEE E.S. 93040805825 CONTROL SHEET ATTACHED.

	Referred To:	Date:		Referred To:	Date:	
(1)	BOP;;HAWK	07-13-93	(5)			W/IN:
(2)	DAG;HEYMANN	07-15-93	(6)			
(3)			(7)			PRTY:
(4)			(8)			1Z
	INTERIM BY:			DATE:		OPR:
	Sig. For: ODAG			Date Released:		HBR

Remarks
INFO CC: OAG (RENO), DAG, ASG.
(1) RETURN CONTROL SHEET W/COPY OF SIGNED AND DATED RESPONSE TO EXEC. SEC., ROOM 4400-AA.
TWO BOXES CONTAINING LETTERS FORWARDED TO BOP.
(2) PER OAG/TEMPLETON NOTE TO BOP DATED 07-14-93, REASSIGNED TO ODAG FOR HANDLING PER AG'S REQUEST. ADVISE EXEC. SEC. OF ACTION TAKEN. TWO BOXES

Other Remarks:
CONTAINING LETTERS FORWARDED TO ODAG. (HBR)

RECEIVED
DEPT. OF JUSTICE
JUL 16 3 45 PM '93

OLA CONTACT:
07-13-93 TO R ADAMS FYI
FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY
****

1042353

U.S. Department of Justice
Office of the Deputy Attorney General

July 16, 1993

MEMORANDUM

TO: Margaret Love

FROM: Roger Adams RCA.

Here is the correspondence from Ofensiva '92. I would appreciate any advice or help you can give in preparing an answer to the cover letter. We are certainly not going to answer the 3,000 any more than we answered the first 4,000 which Ofensiva says it sent.

EXHIBIT 5

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 548568
2. TRACKING ID No: X98-079806
3. RESERVED
4. DATE OF DOCUMENT: 06/03/1998
5. DATE RECEIVED: 06/09/1998
6. DUE DATE: No Due Date

7. FROM: Luis N. Falcon
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
San Juan, PR 00907

8. TO: DAG

9. CATEGORY: GENERAL

10. SUBJECT:
Letter (rec'd from ODAG) inquiring as to why Puerto Rican political prisoners Alberto Rodriguez and Ricardo Jimenez were transferred from the USP in Lewisburg to other facilities in Texas and Indiana. Also requests that the DAG provide a favorable recommendation on the petition to release the prisoners. (kgt)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
ESFILES	09/10/1998	For closing, filing, and dispatching. Original signed letter returned to BOP for dispatch.
ODAG	06/29/1998	For DAG signature. 9/10/98: DAG signed revised letter dated 9/8/98.
BOP	06/09/1998	For component response. 6/10/98: Per request from BOP, sig level changed from BOP to DAG. ODAG approved. 6/29/98: w/memo from BOP dtd 6/26/98, submitting a response for DAG signature.

Referred To:	Date Assigned:	Information:
ODAG	06/09/1998	For information.
OPA	06/09/1998	For information.

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
DAG FILE: ASYLUM
Puerto Rican political prisoners

1040495

13.EXECUTIVE SECRETARIAT CONTACT: Kimberly Tolson, 514-8588

Office of the Deputy Attorney General
Washington, D.C. 20530

September 8, 1998

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, Puerto Rico 00907

Dear Dr. Falcón:

This is in response to your letter concerning Ricardo Jiménez and Alberto Rodríguez, inmates currently incarcerated by the Bureau of Prisons. You request an explanation for the transfer of these inmates from the United States Penitentiary (USP), Lewisburg, Pennsylvania, to other penitentiaries. Additionally, you request assistance in securing Messrs. Jiménez and Rodríguez' transfer to a lower security facility in closer proximity to their families and community. Lastly, you request a favorable recommendation on their petition for release from incarceration.

The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible.

Both individuals were transferred for adjustment purposes based on sound correctional judgment in response to safety and security concerns at USP, Lewisburg. We believe these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

As you know, the request you filed for commutation of the sentences of Messrs. Jiménez and Rodríguez and a number of other Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

1040497

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

COMITE PRO-DERECHOS HUMANOS EN PUERTO RICO
Calle Rodríguez Serra #8
Suite 2 B
San Juan, PR 00907
Tel/Fax (787) 723-9829

June 3, 1998

Hon Eric H. Holder, Jr.
Deputy Attorney General
U.S. Departament of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024

Dear Mr. Holder:

While we were glad to hear that the Department of Justice will soon make its recommendation to the White House on our long-pending application for the release of the Puerto Rican political prisoners in U.S. custody, that was certainly not our reaction to learning that Messrs. Rodríguez and Jiménez were abruptly transferred this week. While we do not want to distract you from the business at hand, we must advocate for their humane treatment while they remain in custody. It is difficult to fathom why these two men would be uprooted and, in Mr. Rodríguez' case, moved to a prison even farther from their loved ones. We attach recent correspondence from their attorney to the warden at USP Lewisburg asking the warden to simply leave them alone. We understand that he never responded to the letter. Could it be that these moves are the vindictive response? Bureau of Prisons officials have refused to offer any legitimate justification for either the fact that they were moved or for the prisons to which they have been designated: USP Beaumont, TX, and USP Terre Haute, IN, respectively.

We believe, particularly in light of our optimism that the White House will soon grant their release, that they should be placed in lower security prisons close to their families and communities, so as to ease their reentry into civil

society. Whether or not that is done, we would like to know the reasons for these latest moves, and we must ask that the Bureau of Prisons permit them to serve in peace and unmolested whatever portion remains of their disproportionately lengthy sentences. Of course the best response we could hope for from you would be a favorable recommendation on the petition for their release.

Sincerely yours,

Dr. Luis Nieves Falcón
Coordinator

cc: Kathleen Hawk, Director
Federal Bureau of Prisons
320 First St., N.W.
Washington, D.C. 20534

PEOPLE'S LAW OFFICE

1180 N. Milwaukee
Chicago, Illinois 60622
(773) 235-0070
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Jeffrey H. Haas
Janine L. Hoft
Timothy R. Lohraff
Joey L. Mogul
John L. Stainthorp
Jan Susler
G. Flint Taylor, Jr.
Erica Thompson

Of Counsel
Michael E. Deutsch

March 25, 1998

Page True, Warden
USP Lewisburg
Box 1000
Lewisburg, PA 17837

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024
Edwin Cortés, 92153-024

Dear Warden True,

Several recent developments regarding my clients inspires this letter asking that you and your staff cease harassing them.

Mr. Cortés, as you know, was recently transferred from USP Terre Haute, to which he had requested transfer due to its proximity to his home in Chicago. If the distance from his family were not punishment enough, he was transferred while USP Lewisburg was on lockdown. Additionally, staff have refused to provide him with copies of the transfer documents, asserting variously, and without any legitimate basis, that he "required closer staff supervision" or was "too influential" in the population. Since his arrival, the administration has seemed quite anxious to make him responsible for requests on the part of Spanish speaking prisoners that the institution provide a Spanish speaking television channel, threatening that if anything happened, they would come for him first.

Mr. Rodríguez, as you also know, has spent more than a decade at USP Lewisburg, accumulating a spotless record, not just of clear conduct but of remarkable accomplishments, probably unequaled by any other person. Instead of recognizing these achievements, reducing his security, and transferring him to a lower security prison, as would happen with a social prisoner, the administration sought to punish him in relation to the same television issue, apparently due to something he wrote in outgoing mail, holding him in segregation for a full week.

Mr. Jiménez, who has devoted himself to tutoring and AIDS peer counseling, was called a "notorious inmate" by your assistant Lori Cunningham, according to **The Daily Item** of January 18, 1998.

Finally, on March 17, in a ridiculous show of force, your staff harassed and threatened Messrs. Cortés, Jiménez and Rodríguez concerning legal mail I had sent them.. While staff never bothered to explain to Messrs. Jiménez and Rodríguez why they were being walked to R&D near the segregation unit, staff apparently told Mr. Cortés that the canine patrol indicated my legal mail, and that of another attorney, contained drugs. At the same time my clients were being threatened, Mr. Armond Booth was phoning me, and, without even giving me the courtesy of informing me that he was conducting such an investigation, sought to elicit a statement from me. Let me assure you, sir, that my clients and I engage in no such conduct and do not appreciate having such accusations hurled our way.

You are aware, sir, of the political nature of their imprisonment--Ms. Cunningham apparently published to your local paper a description that they are "political dissident[s] from Puerto Rico's independence movement". You are undoubtedly aware that a pending request asking President Clinton to release them from prison enjoys wide support. Certainly these latest efforts would not be designed to undermine the positive records all three of them have accumulated, so as to attempt to prejudice this effort?

We must insist, Warden Page, first, that you leave them to serve their disproportionately lengthy sentences in peace and without any further harassment; and second, that you promptly reduce their security levels and transfer them to lesser security prisons. May I please hear your response.

Sincerely yours,

Jan Susler
Attorney at Law

cc: Alberto Rodríguez
Ricardo Jiménez
Edwin Cortés

EXHIBIT 6

F A X

A María Echevarte

DE Luis Nieves Falcón

FECHA August 25, 1999

PÁGINAS 3 (total)

Article published today in the New York Daily News

CL 13794

AUTHORISED VERSION: please sign and fax back to (787) 724-1669

President Clinton's Clemency
by Dr. Luis Nieves Falcón
Coordinator
Puerto Rico Human Rights Committee

In 1974, Senator Henry Jackson publicly boasted to Puerto Rican legislators that the United States "conquered" Puerto Rico and that the Island "must remain a colony".

Today, in Puerto Rico, few question that the Island is the oldest colony on earth. Like hurricanes, the Island's ignominious political status is a destructive fact of everyday life.

New Yorkers —and the Nation— must remember the fact of US colonialism when assessing the indignant reaction of Puerto Ricans to President Clinton's offer of clemency to the fifteen Puerto Rican political prisoners.

Many of them have already served nineteen years in prison. And none —I repeat, none— was ever tried or convicted of violent assaults on military or police officials, much less civilians.

All the fifteen Puerto Rican prisoners struggled against colonialism because it is "a crime against humanity". As Jefferson enshrined it in the Declaration of Independence, it is not only the right, it is the duty of any citizen to "throw off" a colonial government guilty "of a long train of abuses and usurpations".

Recall that in 1917 Congress made Puerto Ricans US citizens against their will. One primary motive of the Wilson administration was to silence the "agitation" for independence by underlining that Puerto Rico was "a permanent possession of the United States".

Today, Puerto Ricans living on the Island are US citizens who cannot vote in a Federal election but are subject to the US draft and have fought in every US war of the 20th Century.

For a hundred years all branches of the US Federal Government have claimed plenary or absolute power over Puerto Rico and its people. Common sense dictates that Congress and the president must also assume primary responsibility for the political, economic and social conditions of the Puerto Rican people.

AUTHORISED VERSION: please sign and fax back to (787) 724-1669

Tragically, instead of accepting responsibility for a century of colonialism, the president's offer of clemency to the political prisoners claims that they are the problem. *Admit you are criminals, never associate with people seeking to end colonialism via independence, forgo the use of violence and, in an act of humanitarian concern, I will welcome you*, as President Wilson told Puerto Ricans in 1917, "not as a stranger but as one entering his father's house".

In imposing his long list of opprobrious conditions to the clemency offer, the president insults, not only the people of Puerto Rico, but our common history.

A president who invites freedom fighters like Nelson Mandela, Yasser Arafat and Gerry Adams, the leader of Ireland's Sinn Fein, to the White House should certainly understand the actions of Puerto Rican women and men struggling against political injustice.

Our hope is that Vice President Gore immediately and publicly distances himself from the president's ill-advised offer, which failed to hear the majority of the Puerto Rican people and advised all three Puerto Rican Congresspeople not to address the president on this matter.

He and all Americans should work to unconditionally free all Puerto Rican political prisoners. Do it because they are patriots who recognize the wisdom stated by Senator Millard Tydings (R., Maryland) in 1943: "The arrangement between the United States and Puerto Rico is one of the most unsatisfactory relationships between two governments that I have ever encountered on the face of the earth".

And do it, Mr. President, because the fifteen prisoners are among the most decent and dedicated people produced by the great culture of Puerto Rico. Their pledge is to be principled, as their everlasting monument is their selfless unwillingness to ever accept a terrible reality: the United States of America comprises fifty states and the oldest colony on earth, the Puerto Rican Nation.

FAX

TO	María Echueste Deputy Chief of Staff The White House (202) 456-6703
FROM	Prof. Luis Nieves Falcón
DATE	August, 5 1999
RE	FYI - 15 Puerto Rican Political Prisoners
PAGES	3 TOTAL

CL 13926

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

ESTRENA EN 165 SALAS DE CINE DEL PAÍS CAMPAÑA "LIBERTAD PARA LOS NUESTROS"

POR LA EXCARCELACIÓN DE LOS PRISIONEROS POLÍTICOS

Contacto: Prof. Luis Nieves Falcón, Teléfono: 725-1463

(San Juan, Puerto Rico - 5 de agosto de 1999) Hoy jueves, 5 de agosto, estrenará en 165 de las principales salas del circuito de cines Caribbean Cinemas el comercial fílmico, "**Libertad para los Nuestros**", con la participación de reconocidos líderes cívicos y religiosos, y de artistas muy queridos del país, que abogan por la causa humanitaria en favor de la excarcelación de los 15 prisioneros políticos puertorriqueños que en su mayoría han cumplido 19 años en prisión.

La producción del comercial de 60 segundos, que fuera donada en su totalidad por **Paradiso Films** y su equipo de técnicos, cuenta con la participación de: **Don Ricardo Alegría**; los integrantes de **Fiel a la Vega**; **Nydia Caro, Andy Montañez, Choco Orta y Alberto Carrión**; el **Padre franciscano Angel Darío Carrero**, vice presidente de la Conferencia de Religiosos de Puerto Rico; la Ministro Protestante, **Eunice Santana**; la psicóloga social, **Mercedes Rodríguez**; los actores, **Antonio Pantojas, Cristina Soler, René Monclova** y **Luisa de los Ríos**; el cineasta, **Jacobo Morales**, y el actor y cantante **Horacio Olivo**. La dirección y fotografía del comercial estuvieron a cargo de **Frank Elías**.

El comercial de cine forma parte de la campaña masiva *Ya es Tiempo de Truerlos a Casa*, iniciada en abril de 1996 por el Comité Pro Derechos Humanos en Puerto Rico. El objetivo de la segunda fase de la campaña es convocar a la ciudadanía a unirse a una Gran Marcha multitudinaria por la excarcelación de los prisioneros y recordar las injusticias sufridas por estas 5 mujeres y 10 hombres puertorriqueños que en su mayoría llevan 19 años en cárceles de Estados Unidos.

CL 13927

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

Teléfonos a llamar para declaraciones:

1. Don Ricardo Alegría	723-4481
2. Fiel a la Vega	781-8024
3. Nydia Caro	268-2997
4. Andy Montañez	723-1799
5. Choco Orta	728-6595
6. Alberto Carrión	793-8821
7. Padre Angel Darío Carrero	795-3141 / 261-3469
8. Eunice Santana	878-5427
9. Mercedes Rodríguez	726-6927
10. Antonio Pantojas	753-4118
11. Cristina Soler	789-2341
12. René Monclova	754-7049
13. Luisa de los Ríos	760-8585 u. 1251706
14. Jacobo Morales	758-9916
15. Horacio Olivo	769-0764
	760-8585 u. 1233877

* * * *

PUERTO RICO HUMAN RIGHTS COMMITTEE

FAX

TO	María Echueste Deputy Chief of Staff The White House
FROM	Prof. Luis Nieves Falcón Coordinator Puerto Rico Human Rights Committee
DATE	August, 9 1999
RE	FYI - 15 Puerto Rican Political Prisoners
PAGES	3 TOTAL

CL 13929

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

FRENTE UNIDO POR LA EXCARCELACIÓN DE LOS PRISIONEROS POLÍTICOS

A MARCHAR EL DOMINGO, 29 DE AGOSTO

Contacto: Prof. Luis Nieves Falcón, teléfono: 725-1463

(San Juan, Puerto Rico - lunes, 9 de agosto de 1999) Rodeados por decenas de líderes cívicos, religiosos, ambientalistas, estudiantes, artistas y trabajadores; un grupo de familiares de los prisioneros políticos y miembros del Comité Pro Derechos Humanos en Puerto Rico, anunciaron hoy en conferencia de prensa la celebración de la *Gran Marcha: Libertad para los Nuestros*. Hijos, nietos, madres y padres de los prisioneros políticos invitaron a todos los puertorriqueños a que se unan a ellos para marchar el domingo, 29 de agosto de 1999. La marcha partirá a la 1:00 de la tarde desde la Plaza Barceló en Barrio Obrero y culminará frente al Edificio de la Corte Federal en Hato Rey.

El objetivo de la *Gran Marcha: Libertad para los Nuestros* es reiterarle al Presidente Clinton el apoyo amplio y masivo del pueblo puertorriqueño por la excarcelación de estos 10 hombres y 5 mujeres, antes de que se cumpla su término y abandone Casa Blanca. El Presidente Clinton, en cuyas manos está la excarcelación de estas personas, ya ha recibido sobre 100,000 cartas de puertorriqueños de todos los partidos políticos, solicitándole que libere a los prisioneros. Dichas peticiones se suman a otras de organizaciones en América Latina, África, Estados Unidos y Europa, incluyendo a 12 recipientes del Premios Nóbel y la Organización de las Naciones Unidas.

"Queremos que el Presidente Clinton nos escuche", dijo Clarissa López, hija del prisionero político Oscar López. "Llevan 19 años en prisión, alejados de sus familiares y amigos y del Puerto Rico que tanto aman. No han matado, ni secuestrado, ni violado a nadie. Pagan por sus ideales. Lo justo es que el Presidente Clinton los libere antes de terminar su presidencia para que puedan regresar al amor de la gran familia puertorriqueña", señaló López, durante conferencia de prensa celebrada hoy en el Pabellón de la Paz en Puerta de Tierra.

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

Para convocar la participación ciudadana a la *Gran Marcha: Libertad para los Nuestros*, el Comité Pro Derechos Humanos cuenta con una campaña en los medios masivos de cine, radio y prensa, con la participación y el endoso de líderes cívicos, religiosos y del mundo artístico. Entre ellos se destacan: **Don Ricardo Alegría**; **Nydia Caro**; la agrupación **Fiel a la Vega**; el padre franciscano, **Ángel Darío Carrero**; la Ministra Protestante, **Eunice Santana**; la psicóloga social, **Mercedes Rodríguez**; el comediante, **José Miguel Agrelot**, **Sunshine Logroño**, **Andy Montañez**, y muchos otros. La música de la marcha está siendo creada por **Robi Draco Rosa**, quien además de ser cantautor, es compositor del mundialmente conocido cantante puertorriqueño, Ricky Martin y Julio Iglesias. El diseño del logo para la marcha ha sido diseñado por **Samuel Rosario** y su equipo de trabajo en Servicios Creativos.

La marcha será antecedida por un Simposio de Derechos Humanos, que contará con la participación de invitados internacionales, que a su vez, tomarán parte activa en la Gran Marcha del domingo, 29 de agosto. El Simposio será celebrado en la Universidad del Sagrado Corazón, auspiciador de la actividad.

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

FAX

TO	María Echueste Chief of Staff The White House
FROM	Prof. Luis Nieves Falcón Coordinator Committee for the Defense of Human Rights in Puerto Rico (787) 722-6498
DATE	August 16, 1999
RE	**Unconditional Release of all 15 Puerto Rican Political Prisoners**
PAGES	8 (TOTAL)

Enclosed you will find the following documents:

1. Fact Sheet on the campaign for the unconditional release of all 15 Puerto Rican political prisoners

2. Puerto Rican political prisoners: Problems with the Clinton Administration Offer

3. Reasons for the Clinton/Gore Administration to release unconditionally all 15 Puerto Rican political prisoners

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

FACT SHEET
ON THE CAMPAIGN FOR THE UNCONDITIONAL RELEASE OF ALL 15 PUERTO RICAN POLITICAL PRISONERS

Contact Person: Prof. Luis Nieves Falcón
Coordinator
Committee for the Defense of Human Rights in Puerto Rico
(787) 722-6498

For your reference, herein are fundamental facts pertaining the campaign known as *It is Time to Bring them Home*, mass launched in 1996, in defense of the human rights of the 15 Puerto Rican Political Prisoners held for the past 19 years in United States jails.

The release of the political prisoners is in the hands of President Clinton. The Clinton Administration recently offered conditional release to only eleven (11) of the fifteen (15) Puerto Rican political prisoners (See document: Problems with the Clinton Administration Offer). Bearing this in mind, the Committee for the Defense of Human Rights in Puerto Rico is intensifying efforts on behalf of all 15 prisoners, including the celebration of a multitudinary event denominated *Grand March: Freedom for Our Own*. The March will be held Sunday, August 29, 1999 in San Juan, Puerto Rico, organized as a response to President Clinton's decision and to convey the will of the vast majority of the Puerto Rican people in support of the immediate and unconditional release of all 15 Puerto Rican political prisoners.

The Puerto Rican Political Prisoners, 10 men and 15 women, most of whom have been in jail for 19 years, received sentences of up to 105 years: the equivalent of a life sentence. The excessive nature of their sentences is in sharp contrast with time served for a federal crime (kidnapping, rape, murder, armed robbery, threats to the President), which averages 5.3 years. These sentences show an alarming disparity, since none of these 15 Puerto Ricans has committed murder or attempted murder. The general accusation of "Seditious Conspiracy", a charge whose sole legal precedent dates to its origin during the American Civil War, refers to an intellectual crime which was not executed. In other words, they are being punished for their concept of the ideal of Independence in Puerto Rico.

The imprisonment conditions to which these Puerto Ricans have been subjected are confirmed to violate the penal and human rights established both by International Law and the Law of the United States. Among numerous incidents reported we may mention: the prohibition/restriction of physical contact (kiss, hug, hand contact) with family members; forced physical searches of frisking; the use of video surveillance cameras in showers; the use of sensory deprivation techniques, such as keeping the lights on 23 hours per day, amid white walls, throughout prolonged periods of time; sudden transfers to prisons where calls to Puerto Rico are not permitted; the use of handcuffs on their wrists and shackles around their ankles even when taking a shower; the refusal to provide them medical attention; and the unjustified assignment to maximum security wards.

On an international level, the campaign for the unconditional release of all 15 political prisoners enjoys the expressed support of: 12 Nobel Prize Laureates, among them, Rigoberta Menchú, Archbishop Desmond Tutu, and Adolfo Pérez Esquivel; Coretta Scott King, the widow of Reverend Martin Luther King; the US Chapter of Amnesty International; all three (3) Puerto Rican members of the US Congress, José Serrano, Nydia Velázquez and Luis V. Gutiérrez; and the African National Congress, among hundreds of other supporters.

As recently as the past 6th of July, a resolution regarding the Puerto Rican political prisoners, submitted to the United Nations Organization, received the support of 12 countries, and no opposition votes.

The request for Amnesty for all 15 Puerto Rican political prisoners has been unanimously endorsed by the most diverse sectors of the Puerto Rican society, be them living on the island or in the United States. Among the supporters are: leaders of all political parties in Puerto Rico (Statehood, Commonwealth and Independence supporters), including three former governors of the island; over thirty (30) religious leaders, including Catholic and Protestant organizations; labor unions; the past ten (10) presidents of the Puerto Rican Attorneys' Professional Association; the Puerto Rico Manufacturers Association; historians; and artists, who are among all of those who have joined the more than 1000,000 Puerto Ricans who have written President Clinton on behalf of the unconditional Presidential Amnesty for these 15 Puerto Ricans.

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

PUERTO RICAN POLITICAL PRISONERS: PROBLEMS WITH THE CLINTON ADMINISTRATION OFFER

Contact Person: Prof. Luis Nieves Falcón
Coordinator
Committee for the Defense of Human Rights in Puerto Rico
(787) 722-6498

1. The offer does not apply equally to all 15 political prisoners on whose behalf the campaign submitted the petition for unconditional release. It provides for the immediate conditional release of 11: Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Dylcia Pagán, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, Alejandrina Torres, Carmen Valentín; the conditional release of Juán Segarra Palmer in 5 years and remittance of his fine; the conditional release of Oscar López in ten years; and no release for Carlos Alberto Torres (who is serving a 70 years sentence). It also provides no release for Antonio Camacho Negrón, who was already offered parole, but does provide for remittance of his fine.

2. The offer is contingent on the prisoners accepting a series of conditions. Although the government admits that the 15 Puerto Rican political prisoners were given excessive prison terms for their acts in favor of Puerto Rican independence, the conditions they are being asked to accept as part of the offer does not, in fact, commute their sentences. It simply releases them from prison to continue to serve the remainder of their disproportionately lengthy sentences on the street, which, in some cases, will last for the rest of their lives.

3. The White House drafted a document for each prisoner to sign, agreeing to the terms of the commutation of their sentences. One of the terms requires them to renounce the use, attempted use, or advocacy of the use of violence as a condition to release. The prisoners have already made clear in a collective statement submitted to the US House Resources Committee, at the time it was considering the "Young" bill concerning the status of Puerto Rico, that they intend to integrate themselves into the civic and civil life and legal political process of their communities, that they understand that times have changed, and they indicated their willingness to participate in a truly democratic, inclusive process to resolve the colonial status of Puerto Rico.

4. The majority of the conditions which would be imposed by signing the document are not made explicit, but are simply referred to as the conditions established by the Parole Commission. Although the White House did not provide us with a list of these conditions, our research reveals that the conditions include strict travel and association restrictions, among others. Should authorities determine that any violation of conditions occurs, the "commutation" would be instantly void, and the original sentence reinstated. Ironically, the prisoners have more freedom of speech and, in some cases where they are housed together, association, inside the prisons that they would if they were released under the conditions attached to the commutation. The offer amounts to release on parole, which does not constitute commutation or clemency. Furthermore, the conditions would interfere with their reintegration into civil society and the political process, limiting their travel and their ability to associate with each other as well as with other activists who have been similarly criminalized.

5. The offer is punitive. While the campaign's application for their release, submitted in 1993, sought their unconditional release as a humanitarian gesture and an act of political reconciliation, the offer stops short of releasing them from their sentences, and instead, continues to punish and criminalize them from their ongoing commitment to the independence of Puerto Rico.

6. The prisoners have no ability to discuss the Administration's offer with each other. Their ability to discuss it with their attorney, families, and the campaign which has worked so long for their release is limited in most cases to what they can afford, since the majority must pay for their own telephone calls, and is also limited to fifteen minute monitored and automatically terminated calls. For this reason, their attorney has asked the White House to facilitate their placement at the Metropolitan Correctional Center in Chicago, Illinois, where they would be able to confer with each other and their counsel.

7. The Clinton/Gore Administration has participated in many efforts to free political prisoners throughout the world, such as in South Africa, Palestine, the north of Ireland, and Kosovo, where political prisoners were freed without any conditions attached. In the case of Nelson Mandela, the US government demanded his unconditional release. Mandela, who was convicted of the same charge -- seditious conspiracy -- as the Puerto Rican political prisoners, has been the major instrument in democratizing the South African political system.

The Puerto Rican people and their supporters immediately denounced the conditions as insulting and demeaning to the prisoners and to the Puerto Rican people as a whole, be it living in the island or in the United States. US Congressional Representatives Luis V. Gutiérrez and Nydia Velázquez; Reverend Jesse Jackson, Archbishop Roberto González Nieves, New York City Councilman José Rivera, the National Puerto Rican Coalition, the Puerto Rican Legal Defense and Education Fund, and a host of others have already publicly expressed their strong sentiments and urged the Clinton/Gore Administration to release all the prisoners unconditionally.

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COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

REASONS FOR THE CLINTON/GORE ADMINISTRATION TO RELEASE UNCONDITIONALLY ALL 15 PUERTO RICAN POLITICAL PRISONERS

Contact Person: Prof. Luis Nieves Falcón
Coordinator
Committee for the Defense of Human Rights in Puerto Rico
(787) 722-6498

The United States Government has 15 Puerto Rican political prisoners, 5 women and 10 men incarcerated in federal prisons for the past 19 years. These prisoners were convicted of seditious conspiracy for their activities in support of Puerto Rican independence. None of them was accused of nor convicted of causing physical harm to anyone. Yet, their disproportionate sentences go as high as 105 years in prison.

After almost two decades of legal battles and community support for the prisoners, the Clinton/Gore Administration has the opportunity to provide Amnesty and free all 15 Puerto Ricans, before he leaves office in January 2000.

The Clinton/Gore Administration has good reasons to favor an amnesty, among them:

1. The tradition of granting presidential pardons demonstrates that they have been used in efforts of national reconciliation, i.e., the Civil War, the Vietnam War, the opposition to the draft. The commuting of the 15 Puerto Rican political prisoners sentences to time served, thereby bringing to an immediate end their excessively long periods of confinement, would be an important contribution to the reconciliation between the United States and Puerto Ricans, be it living in the island or in US cities.

2. The Clinton/Gore Administration has been consistent in its foreign policy regarding human rights and international peace endeavors. It was the President's initiative to receive Yaser Arafat in the seat of government, thus propitiating a historic event. His support for the struggle against Apartheid in South Africa, his conciliatory participation in Bosnia, Haiti, and Northern Island are proof of his genuine compromise with peace, liberty and the self-determination of countries.

The Past President of South Africa, Nelson Mandela, served 27 years in prison, accused of "seditious conspiracy", an analogous situation to that of the 15 Puerto Rican prisoners. Nowadays, President Mandela is a respected figure in Washington.

3. The Clinton/Gore Administration has received countless evidence of international support, by means of letters, petitions, and calls to free these 15 Puerto Rican political prisoners.

In the international arena, 12 Nobel Prize winning laureates have written to President Clinton on behalf of the Puerto Rican political prisoners. Support to the cause has also been declared by Amnesty International, United States Chapter; the African National Congress; Australian Parlamentaries; the United Nation's Decolonization Committee; Corretta Scott King, widow of the late Martin Luther King; all three Puerto Rican Congressmen in the United States (Nydia Velázquez, D-NY, Luis V. Gutierréz, D-ILL., and José Serrano, D-NY), among many others.

The expressed support of the Puerto Rican people, be it living on the island or in the United States, for the liberation of our 15 political prisoners includes: leaders of all political parties in Puerto Rico (Statehood, Commonwealth, Independence), including two living former governors of the island; the Puerto Rico Bar Association and ten of its past presidents; the Puerto Rican Workers Federation (AFL-CIO); the Puerto Rico Manufacturers Association; countless religious, civic and cultural organizations; and Puerto Ricans from all walks of life that have signed over 100,000 letters supporting the liberation of the 15 political prisoners, requesting the Clinton/Gore Administration to pardon these prisoners.

CC Jeff Farrow!

FAX

A	MARÍA ECHEVESTE
DE	Prof. Luis Nieves Falcón Coordinador Comité Pro Derechos Humanos en Puerto Rico Tel. 725-1463
FECHA	sábado, 14 de agosto de 1999
ASUNTO	Reacciones de los prisioneros y su abogada a la oferta del Gobierno del Presidente Clinton
PÁGINAS	4 (TOTAL)

CL 13940

PRISIONEROS POLÍTICOS PUERTORRIQUEÑOS: PROBLEMAS CON LA OFERTA DEL GOBIERNO DEL PRESIDENTE CLINTON

1. La oferta no aplica equitativamente a todos los 15 prisioneros políticos a favor de quien la campaña sometió la petición de liberación incondicional. La oferta estipula la liberación condicional inmediata de 11: Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Dylcia Pagán, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, Alejandrina Torres, Carmen Valentín; la liberación condicional de Juan Segarra Palmer dentro de 5 años y el reembolso de su multa; la liberación condicional de Oscar López en 10 años; y no estipula la liberación de Carlos Alberto Torres (quien cumple una condena de 70 años). Tampoco estipula la liberación de Antonio Camacho Negrón, a quien ya se le había ofrecido libertad bajo palabra, pero sí estipula el reembolso de su multa.

2. La oferta depende de que los prisioneros acepten una serie de condiciones. Aún cuando el gobierno admite que a los 15 prisioneros políticos puertorriqueños se les dictaron sentencias de encarcelamiento excesivas por sus actos a favor de la independencia de Puerto Rico, las condiciones que se les pide que acepten como parte de la oferta no constituyen un levantamiento de sus sentencias. Sencillamente les libera de su encarcelamiento en prisión para que continúen cumpliendo en la calle con el resto de sus sentencias, las cuales son desproporcionadamente extensas y que, en algunos casos, durarán por el resto de sus vidas.

3. Los funcionarios de la Casa Blanca han redactado un documento que cada prisionero debe firmar, en el cual acceden a los términos del levantamiento de sus sentencias. Uno de estos términos les exige que renuncien a recurrir al uso, al intento de uso, o al apoyo del uso de la violencia como condición para su liberación. Los prisioneros ya han establecido claramente, en una declaración colectiva —sometida al Comité de Recursos de la Casa de Representantes de los Estados Unidos mientras este comité tomaba en consideración el proyecto de ley "Young" que trata del estado legal de Puerto Rico— que ellos tenían intenciones de integrarse en la vida cívica y civil, así como en los procesos políticos de sus comunidades; que ellos entendían que los tiempos han cambiado; e indicaban su disposición a participar en un proceso genuinamente democrático e inclusivo para resolver el estado legal colonial de Puerto Rico.

4. La mayoría de las condiciones que quedarían impuestas una vez se firme el documento, no se establecen de manera explícita, sino que se hace referencia a ellas cono las condiciones establecidas por la Comisión de Libertad Condicional. Aún cuando los funcionarios de la Casa Blanca no nos proporcionaron una lista de estas condiciones, nuestra investigación revela que las condiciones incluyen restricciones de viaje y de asociación, entre otras. En la eventualidad de que las autoridades determinen que cualquier violación de estas condiciones ha ocurrido, el "levantamiento" de la sentencia quedaría anulado instantáneamente y se reanudaría la sentencia original. Es irónico el que los prisioneros disfruten de mayor libertad de expresión y, en algunos casos, cuando se les encarcela juntos, de asociación, dentro de las prisiones que la que podrían disfrutar si se les excarcela bajo las condiciones que acompañan el levantamiento de sentencia. La oferta equivale a libertad bajo palabra, la cual no constituye un levantamiento de sentencia, ni una oferta de indulgencia. Además, las condiciones interferirían con su reintegración a la sociedad civil y a los procesos políticos, al limitar sus viajes y su habilidad de asociarse entre sí, así como de asociarse con otros activistas que han sido criminalizados de manera similar.

5. La oferta es punitiva. Aunque la solicitud de la campaña para su liberación, sometida en el 1993, tenía la intención de lograr su liberación incondicional como un gesto humanitario y un acto de reconciliación política, la oferta no cumple con el levantamiento de sus sentencias y, en cambio, continúa penalizándolos y criminalizándolos por su continuo compromiso con la independencia de Puerto Rico.

6. Los prisioneros no cuentan con la posibilidad de discutir la oferta del gobierno entre sí. Su habilidad de discutirla con su abogados, sus familias y la campaña que ha laborado por tanto tiempo a favor de su liberación está limitada en la mayor parte de los casos por su condición económica, ya que la mayoría de ellos debe costear sus propias llamadas telefónicas, y está limitada además por el hecho de que sus llamadas son supervisadas y cesan automáticamente al cumplir un término máximo de 15 minutos. Por este motivo, su abogado le ha pedido a los funcionarios de la Casa Blanca que faciliten su traslado al Centro de Corrección Metropolitano en Chicago, Illinois, donde los prisioneros podrían consultarse mutuamente, así como consultar con su abogado.

7. El Gobierno del Presidente Clinton y el Vicepresidente Gore ha participado en numerosos esfuerzos a favor de la libertad de prisioneros políticos alrededor del mundo, como por ejemplo en Sudáfrica, Palestina, el norte de Irlanda y Kosovo, en cuyos casos los prisioneros políticos son liberados sin condiciones. En el caso de Nelson Mandela, el gobierno de los Estados Unidos exigió su liberación incondicional. Mandela, quien fue condenado con el mismo cargo —

conspiración sediciosa— que los prisioneros políticos puertorriqueños, ha sido el agente principal en la democratización del sistema político de Sudáfrica.

El pueblo de Puerto Rico y sus partidarios inmediatamente reprobaron las condiciones como insultantes y degradantes para los prisioneros y para el pueblo de Puerto Rico en su integridad. Los Representantes al Congreso de los Estados Unidos, Luis V. Gutiérrez y Nydia Velázquez, el Reverendo Jesse Jackson, el Arzobispo Roberto González Nieves, el concejal de la ciudad de Nueva York, José Rivera, la Coalición Nacional Puertorriqueña, el Fondo de Defensa Legal y Educación Puertorriqueño y un sinnúmero de partidarios ya han expresado públicamente su firme sentir y han exhortado al Gobierno del Presidente Clinton y el Vicepresidente Gore a liberar a todos los prisioneros incondicionalmente.

15 de agosto de 1999.

Persona contacto: Profesor Luis Nieves Falcón
Teléfonos: 725-1463

PUERTO RICO HUMAN RIGHTS COMMITTEE

Puerto Rico prisoners

FAX

TO	María Echueste Deputy Chief of Staff The White House
FROM	Prof. Luis Nieves Falcón Coordinator Puerto Rico Human Rights Committee
DATE	August, 10 1999
RE	FYI - 15 Puerto Rican Political Prisoners
PAGES	2 TOTAL

CL 13944

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

DECLARACIONES EN TORNO A LA REPORTADA RECOMENDACIÓN DEL ABOGADO DE CASA BLANCA SOBRE LOS 15 PRISIONEROS POLÍTICOS PUERTORRIQUEÑOS:

EL 29 DE AGOSTO MARCHARÁ LA RECOMENDACIÓN DEL PUEBLO DE PUERTO RICO

"La recomendación del abogado de Casa Blanca, según reportada hoy en un rotativo del país, en favor de la excarcelación de la mayoría de los prisioneros políticos puertorriqueños, es apenas un paso dentro del proceso hacia el objetivo final de que el Presidente libere a todos los prisioneros políticos puertorriqueños antes de finalizar su administración. El Presidente aún no ha comunicado decisión alguna y confiamos que no lo hará sin antes escuchar la recomendación más importante, que es la de todo el pueblo puertorriqueño" dijo Luis Nieves Falcón, Coordinador del Comité Pro Derechos Humanos de Puerto Rico, entidad que coordina los esfuerzos por la liberación de estas 5 mujeres y 10 hombres que en su mayoría han cumplido 19 años en prisiones federales de Estados Unidos.

AHORA MÁS QUE NUNCA ¡A MARCHAR EL 29 DE AGOSTO!

"La participación unida del pueblo puertorriqueño en la *Gran Marcha: Libertad para los Nuestros* comunicará la recomendación del pueblo puertorriqueño al Presidente Clinton por la liberación de todos los prisioneros políticos, señaló el Coordinador del Comité Pro Derechos Humanos de Puerto Rico. Ahora más que nunca nuestro gran pueblo puertorriqueño marchará solicitando *Libertad para los Nuestros* el domingo, 29 de agosto a la 1:00 pm, desde la Plaza Barceló de Barrio Obrero hasta los predios frente al Edificio de la Corte Federal."

"Si el Presidente optara por acceder a la recomendación de su abogado, a nuestro entender errónea y lamentable, de excluir de su Amnistía a dos de los prisioneros, Puerto Rico recibirá dignamente a sus hermanos liberados; sin embargo, acto seguido incrementaremos nuestros esfuerzos hasta tanto logremos el regreso a Casa de todos y cada uno de los 15 prisioneros políticos puertorriqueños", concluyó diciendo Nieves Falcón.

Contacto: Prof. Luis Nieves Falcón, teléfono: 725-1463/ 319-5803

FAX

TO	María Echueste Deputy Chief of Staff The White House Fax (202) 456-6703
FROM	Prof. Luis Nieves Falcón Coordinator Puerto Rico Human Rights Committee
DATE	July 29, 1999
RE	Press Release - Political Prisoners
PAGES	2 TOTAL

For your information.

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO CONVOCA A LIDERATO CÍVICO DEL PAÍS
POR LOS PRISIONEROS POLÍTICOS PUERTORRIQUEÑOS

Contacto: Prof. Luis Nieves Falcón, tel. 725-1463

(San Juan, Puerto Rico - 27 de julio de 1999) El Comité Pro Derechos Humanos en Puerto Rico, entidad que coordina los esfuerzos por la excarcelación de los 15 prisioneros políticos puertorriqueños que en su mayoría han cumplido 19 años en prisión, extiende una convocatoria al liderato cívico del país a una reunión, a celebrarse el próximo **miércoles, 28 de julio a las 5:00pm en el Ateneo** Puertorriqueño.

El objetivo de la reunión es presentar las nuevas estrategias de la campaña *Ya es Tiempo de Traerlos a Casa*, dirigidas a lograr la excarcelación de los prisioneros políticos puertorriqueños, a tan sólo 17 meses del Presidente Clinton abandonar la Casa Blanca. La excarcelación de los prisioneros políticos puertorriqueños está en manos del Presidente Clinton como potestad única sobre la Amnistía Presidencial.

La convocatoria, firmada por el Profesor Luis Nieves Falcón (Coordinador del Comité Pro Derechos Humanos en Puerto Rico), y otros dos colaboradores de la causa humanitaria; **Don Ricardo Alegría**, y **Eduardo Morales Coll** (Director del Ateneo Puertorriqueño), va dirigida a todas las organizaciones cívicas, religiosas, culturales, ambientalistas, estudiantiles, y políticas del país.

"El apoyo a la causa de nuestros hermanos prisioneros políticos es más urgente ahora que nunca antes. Por eso, solicitamos la presencia de todo el liderato cívico puertorriqueño el próximo **miércoles, 28 de julio, a las 5:00 en el Ateneo**", dijo el Prof. Luis Nieves Falcón, Coordinador del Comité Pro Derechos Humanos en Puerto Rico.

U.S. Department of Justice

Pardon Attorney

Washington, D.C 20530

EXHIBIT 7

APR 3 1995

Dr. Luis Nieves-Falcon
Apartudo Postal 20190
Rio Piedras, Puerto Rico 00928

Dear Dr. Nieves-Falcon:

The copy of your letter of January 11, 1995, to the President that you sent to the Attorney General concerning the clemency request you made on behalf of a number of Puerto Rican prisoners has been forwarded to this office.

Your letter and its enclosure will be made a part of the clemency file in this matter.

Sincerely,

Margaret Colgate Love
Pardon Attorney

U.S. Department of Justice 93 110137

Pardon Attorney

Washington, D.C 20530

MAY 18 1994

Dr. Luis Nieves Falcon
P.O. Box 20190, Rio Piedras
Puerto Rico 00928

Dear Mr. Falcon:

I received your letters of January 7, January 14, and April 26, 1994, regarding the requests for commutation of the sentences of 18 Puerto Rican Nationals. I apologize for the delay in responding.

Regarding your request for a meeting, I would be happy to meet with you, preferably in early to mid-June. Please call Susan Kuzma of my staff at (202) 616-6070 to arrange a date and time.

As to your request to be apprised of the steps we are taking in processing these clemency cases, it is the long-standing practice of our office not disclose in any case the specific investigative steps that are being taken. We can advise, however, that we routinely request information regarding prison adjustment from the Bureau of Prisons, which is ordinarily communicated in the form of a progress report. If a current progress report is not already in existence, one may be created in order to respond to our request.

As I am sure you are aware, prison progress reports have a number of purposes and may be created for reasons other than a clemency proceeding. Accordingly, we cannot control whether progress reports in general are created. However, we will not initiate requests for the creation of new progress reports if it is your clients' wish that we not do so. Finally, pursuant to your request, we have withdrawn Ms. Beltran's name from the clemency request.

Sincerely,

Margaret Colgate Love
Pardon Attorney

EXHIBIT 8

THE WHITE HOUSE

WASHINGTON

July 24, 1995

Dear Dr. Nieves-Falcon:

Thank you very much for your letter to President Clinton concerning executive clemency for several Puerto Ricans incarcerated in federal prisons. The President has asked me to respond on his behalf.

Under longstanding guidelines established by the Department of Justice, individuals convicted of a federal crime may seek executive clemency by submitting an application with the Department. The Justice Department conducts a careful investigation of each case before forwarding a recommendation to the President. The President is not in a position to make a decision on a petition until after he receives the agency's recommendation.

The executive clemency requests concerning these prisoners currently are pending at the Justice Department. The President will consider the requests when he has received the Deputy Attorney General's report.

Again, thank you very much for your letter.

Sincerely,

James A. Dorskind
Special Assistant to the President
and Director of Correspondence
and Presidential Messages

Luis Nieves-Falcon, Esq.
International League for the
Rights and Liberation of Peoples
1180 North Milwaukee Avenue
Chicago, Illinois 60622

cc: Margaret Colgate Love
Pardon Attorney
United States Department of Justice

CL 15258 657

EXHIBIT 9

December 12, 1996

NOTE FOR DAWN CHIRWA
SUZANNA VALDEZ
JANET MURGUIA

FROM: JEFF FARROW

RE: Petition Delivery

Members of the prospective delegation for delivering petitions for the release of U.S. Puerto Ricans incarcerated for crimes allegedly committed to facilitate Puerto Rico's independence are listed below. The meeting has been scheduled for Friday, December 20, at 10:00 a.m., in the Roosevelt Room.

From Puerto Rico:
Senate President Roberto Rexach Benitez, New Progressive Party
Senator Antonio Faz Alzamora, Popular Democratic Party
Manuel Rodriguez Orellana, Puerto Rican Independence Party
Bishop David Alvarez, Presbyterian Church
Bishop Enrique Hernandez, Catholic Church
Rev. Osvaldo Malave Rivera, United Church of Christ
Dr. Luis Nieves Falcon, Puerto Rican Committee on Human Rights
Mercedes Lopez, school principal
Representative from the Puerto Rico Manufacturers Association
Representative from the AFL-CIO
Representative from the Puerto Rico Bar Association

From the States:
Assemblyman Roberto Ramirez, New York
Councilman Jose Rivera, New York City
Councilman Angel Ortiz, Philadelphia
Alderman Billy Ocasio, Chicago
Jan Susler, attorney for many of the prisoners.

Note: Reps. Serrano, Gutierrez, and Velazquez may also be present.

As you know, the three members of Congress are also scheduled to meet with Jack Quinn at 4 p.m. the previous day in Jack's office (with us present).

UNITED STATES GOVERNMENT

memorandum

DATE: November 3, 1995

REPLY TO ATTN OF: Patty Gotts, Paralegal

SUBJECT: Attorney Visit
Alejandrina Torres, Reg. No. 92152-024

TO: Front Lobby Officer
Visiting Room Officers

EXHIBIT 10

On Friday and Saturday, November 10 and 11, 1995, Luis Nieves-Falcon, Attorney, is approved to visit with the above-referenced inmate beginning at 10:00 a.m. each day.

The attorney has been advised that he will be required to complete the appropriate paper work and present valid identification prior to being permitted a visit with the inmate.

Mr. Nieves-Falcon has advised me that he will be bringing in several documents for the inmate to review during the visit. There is a possibility that he will need to leave legal documents with the inmate. If this occurs, the materials shall be searched for contraband prior to the inmate's departure from the Visiting Room.

If the inmate has legal materials to bring into the Visiting Room and unit staff are unavailable, please search the materials for contraband prior to admitting them into the Visiting Room.

Thank you.

cc: Central File

OPTIONAL FORM ...
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

*U.S. GPO: 1992-312-071/50046

EXHIBIT 11

6/21/95

MEETING AT THE WH RE:
PUERTO RICAN PRISONERS

- Hearing more + more about it
- 3 PR Congressmen asked to meet with Pres. + Reno. Haven't received response.
- NY TIMES, WASHINGTON POST ADS
- Hundreds of letters, Thousands coming
- Use elections next year as leverage, using Nationalists case as precedent,
- Also hearing from PR, but it's effort led by PR in US.
- How should we respond to this political request.
- Issue, per Pardon Attorney, about who's doing the asking -- prisoners vs. other people.
- At this point the issue is how to respond to letters and who should meet with who.

- No letter responding to request of pardon or commutation has been signed by Pres.
- 2 commutations so far in this adm. NOT usual.
- NOT ordinary cases.
- A year ago decided to [redacted] use as formal application what sent by Nieves Falcón + Svsler
- ① Get official report from prison on each prisoner
  ② Progress Reports on Prisoners
  ③ Study it, analize it.
  ④ Present recommendation + report to Pres. STAFF. (Attorney General signs first).
  ⑤ Then it goes to Vicki Divoll + Cheryl Mills. Pretty much follows recommendation by Pardon Attorney. Send MEMO to President.

1200 cases a year usually take at least a year but it can be accelerated

- If parole is a possibility, they use it rather than a COMMUTATION. They could also enable the process to make them parole eligible
- MOST of them don't want to apply for parole -- which is another political statement in their part.
- Their process is moving along. It is already asking the input of the IL Attorney General. They're pretty knowledgeable about the cases by now. 6 Lawyers working on it although not in front burner.
- reasons for clemency:
  - Severity of sentence
  - Disparity with other cases
  - Terminal Illness
  - Cooperation with Governor.
  - Foreign Countries consideration

  (very political process)

ESTRATEGIA

I. Congressional

1. Velázquez, Gutiérrez and Serrano's staff calling WH and Justice Legislative Affairs requesting response to letter to President and Janet Reno, respectively.

2. Velázquez, Gutiérrez and Serrano approaching other members to write letters to President.

- Rangel — Richardson
  — Torres
- Hispanic Caucus — Becerra
- Lincoln-Díaz Balart — Pastor
- Ileana Ros-Lehtinen — Shakal(?)
- Bob Menéndez — M. Fumme

3. Velázquez, Gutiérrez and Serrano not voting with President on some impt. legislation unless he commits to release prisoners right after 1996 elections.

S, 1/11

II. State → Politicians

1. Contact IL Attorney General trying to influence his recommendation.

2. Request letters of support to be sent to President from:

- Dennis Rivera
- Freddie Ferrer
- Efrain Gonzalez (National Assoc of Hispanic Elected Officials)
- Daley < Billy or Luis of Ben Reyes
- Liz Colon
- Juliani < or Ruben Franco
- Roberto Lanning

III. Grassroots

1. Continue to send thousands of letter of support to WH, concentrate efforts in NY, PA, IL, CT, MA.
   "As a Democrat vote..."
2. NON PR writing as well (i.e. Ben Chavis

IV. Meetings

1. Request a meeting with Margaret Colgate Love:
   - Gutiérrez
   - Reverends (Yazuraki, African Americans, Latinos with clerical neck)
   - Jon Susler
   - Dr. Nieves Falcón
   - Michael Deutch
   - José López
   - Some of the grandchildren of the prisoners
   - Millie Rivera
   - Juan Figueroa
2. Some of this same people should meet with Pres. Carter and request a letter to President
3. The three Congressmen to get meeting with Clinton and Janet Reno. Don't give up, NOT settling for less.

4. Meeting with O'Connor (7/12) requesting letter to President.
5. Boricua First delegation meeting with Suzanna Valdez [coordinated by Manny Urabal]. [including Dennis Rivera.]

V. Support National Org.

1. MALDEF (Juan Figueroa)
2. NALEO (Jesús García)
3. NAACP
4.

VI. Media

1. F.D. liberal reporters in key media outlets.
2.

★ Convención Demócrata en Chicago

CL 15558

7/7/95

STRATEGY

I. Continue letter campaign from U.S. as Democratic voters. Personalize them.

II STATE (IL) [ASK all these people for personal letters to President]

1. Meeting with García + Muñoz
2. Meeting with Del Valle of a delegation composed of:
   - García
   - Muñoz
   - Daniel Ramos
   - Elías Díaz
   - Millie Rivera
   - Billy
3. Delegation to meet with Arabel Rosales
4. Delegation to meet with Governor + Attorney General Jim Ryan
5. Delegation to meet with Carol Moseley-Brown — ask her to approach Black Caucus members
6. Delegation to meet with

CL 15559

(?) Miriam Santos.
7. Delegation to visit Daley
8. Delegation to meet with media
José Lamo (ch. 44)
Gernica (ch. 66)
Mario Quesada (Exito)
Luis Rossi (La Raza)

III. STATE (NY)

1. Freddie Ferrer, Roberto Ramirez, Dennis Rivera } Get letters to Pres. from them

2. Liz Colón, Rubén Franco, Ninfa Segarra } Approach them to get mtg. with Giulianni

IV. Other STATES

1. PA → Angel Ortiz
2. BOSTON →
3. Connecticut
4. New Jersey
5. Orlando, Florida

V. OTHER COMMUNITIES

1. Irish Americans
2. African Americans
3. Native Americans
4. Mexican Americans

VI. White House / D.C.

1. Meeting with Margaret Love
2.

VII. Congressional

1. Have Luis approach members of the Cong. Hispanic Caucus [AFTER March].

U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

FAX TRANSMISSION SHEET

TO: Roger Adams

Phone: _____ **Fax:** _____

FROM: John T. Bentivoglio
Special Counsel for Health Care Fraud

Phone: (202) 514-2707 **Fax:** (202) 616-1239

DATE: 7/1/98

NUMBER OF PAGES (including this cover sheet): ____

MESSAGE: Can you please review the attached letter by BOP and let me know if you have any concerns.

Thanks.

Note: The information in this facsimile should be considered confidential.

1041055

06982586

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 548568
2. TRACKING ID No: X98-079806
3. RESERVED
4. DATE OF DOCUMENT: 06/03/98
5. DATE RECEIVED: 06/09/98
6. DUE DATE: 07/07/98

7. FROM: Luis N. Falcon
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
San Juan, PR 00907

8. TO: DAG

9. CATEGORY: GENERAL

10. SUBJECT:
Letter (rec'd from ODAG) inquiring as to why Puerto Rican political prisoners Alberto Rodriguez and Ricardo Jimenez were transferred from the USP in Lewisburg to other facilities in Texas and Indiana. Also requests that the DAG provide a favorable recommendation on the petition to release the prisoners. (kgt)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
ODAG	06/29/98	For DAG signature.
BOP	06/09/98	For component response. 6/10/98: Per request from BOP, sig level changed from BOP to DAG. ODAG approved. 6/29/98: w/memo from BOP dtd 6/26/98, submitting a response for DAG signature.

Referred To:	Date Assigned:	Information:
ODAG	06/09/98	For information.
OPA	06/09/98	For information.

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
Puerto Rican political prisoners

13. EXECUTIVE SECRETARIAT CONTACT: Kimberly Tolson, 514-8588

OFFICE OF THE DEPUTY ATTORNEY GENERAL
98 JUN 26 AM 8:0

U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director *Washington, DC 20534*

June 26, 1998

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Kathleen Hawk Sawyer, Director
Federal Bureau of Prisons

SUBJECT: Dr. Luis Nieves Falcón, Coordinator
Comite Pro-Derechos Humanos En Puerto Rico

PURPOSE: To obtain the Deputy Attorney General's signature on the attached correspondence.

TIMETABLE: For immediate signature

SYNOPSIS: Dr. Falcón requests information on the transfer of two Federal inmates from USP Lewisburg. Additionally, he requests these individuals be placed at lower security institutions closer to their families and community. Lastly, he requests a favorable recommendation on their petition for commutation of sentence.

DISCUSSION: This letter responds to the issues and concerns raised by Dr. Falcón regarding the Bureau of Prisons designation policy as well as the issues currently before the Pardon Attorney.

RECOMMENDATION: Approval and signature of the Deputy Attorney General

APPROVE_____

DISAPPROVE_____

OTHER_____

Attachment

1041057

Office of the Deputy Attorney General
Washington, D.C. 20530

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, Puerto Rico 00907

Dear Dr. Falcón:

This is in response to your letter concerning Ricardo Jimenez and Alberto Rodriguez, inmates currently incarcerated by the Bureau of Prisons. You request an explanation for the transfer of these inmates from the United States Penitentiary (USP), Lewisburg, Pennsylvania, to other penitentiaries. Additionally, you request assistance in securing Messrs. Jimenez and Rodriguez' transfer to a lower security facility in closer proximity to their families and community. Lastly, you request a favorable recommendation on their petition for release from incarceration.

The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible.

Both individuals were transferred for adjustment purposes based on sound correctional judgement in response to safety and security concerns at USP, Lewisburg. Alberto Rodriguez' conviction of Opposing by Force the Authority of the Government of the United States and Ricardo Jimenez' convictions of Extortion, Seditious Conspiracy and Firearms Violations demonstrate that they require the higher security and controls unique to a penitentiary. We believe these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

As previously stated in correspondence to your organization as well as in personal meetings, a request for commutation of sentences of a number of Puerto Rican Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

1041058

COMITE PRO-DERECHOS HUMANOS EN PUERTO RICO
Calle Rodríguez Serra #8
Suite 2 B
San Juan, PR 00907
Tel/Fax (787) 723-9828

June 3, 1998

Hon Eric H. Holder, Jr.
Deputy Attorney General
U.S. Departament of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024

Dear Mr. Holder:

While we were glad to hear that the Department of Justice will soon make its recommendation to the White House on our long-pending application for the release of the Puerto Rican political prisoners in U.S. custody, that was certainly not our reaction to learning that Messrs. Rodríguez and Jiménez were abruptly transferred this week. While we do not want to distract you from the business at hand, we must advocate for their humane treatment while they remain in custody. It is difficult to fathom why these two men would be uprooted and, in Mr. Rodríguez' case, moved to a prison even farther from their loved ones. We attach recent correspondence from their attorney to the warden at USP Lewisburg asking the warden to simply leave them alone. We understand that he never responded to the letter. Could it be that these moves are the vindictive response? Bureau of Prisons officials have refused to offer any legitimate justification for either the fact that they were moved or for the prisons to which they have been designated: USP Beaumont, TX, and USP Terre Haute, IN, respectively.

We believe, particularly in light of our optimism that the White House will soon grant their release, that they should be placed in lower security prisons close to their families and communities, so as to ease their reentry into civil

society. Whether or not that is done, we would like to know the reasons for these latest moves, and we must ask that the Bureau of Prisons permit them to serve in peace and unmolested whatever portion remains of their disproportionately lengthy sentences. Of course the best response we could hope for from you would be a favorable recommendation on the petition for their release.

Sincerely yours,

Dr. Luis Nieves Falcón
Coordinator

cc: Kathleen Hawk, Director
Federal Bureau of Prisons
320 First St., N.W.
Washington, D.C. 20534

U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.
Fourth Floor

Washington, D.C. 20530

TELECOPIER COVER SHEET
Phone: (202) 616-6070
Fax: (202) 616-6069

7/1/98
Date

6:30
Time

TO: JOHN BENTIVOGLIO

FROM: R. ADAMS

Phone:

Fax: 6-1239

SUBJECT: BOP LETTER

Number of pages, including this cover sheet: 3

The original of this document will ___ will not ✓ follow.

1041061

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***   TX REPORT   ***
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TRANSMISSION OK

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CONNECTION TEL                          61239
SUBADDRESS
CONNECTION ID           DAG
ST. TIME                07/01 17:27
USAGE T                 01'16
PGS.                      3
RESULT                  OK
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U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.
Fourth Floor

Washington, D.C. 20530

TELECOPIER COVER SHEET
Phone: (202) 616-6070
Fax: (202) 616-6069

7/1/98 — Date
6:30 — Time

TO: JOHN BENTIVOGLIO
FROM: R. ADAMS

Phone:
Fax: 6-1239

SUBJECT: BOP LETTER

1041062

U.S. Department of Justice

Pardon Attorney

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

JUL - 1 1998

MEMORANDUM

TO: John T. Bentivoglio
Special Counsel for Health Care Fraud
Office of the Deputy Attorney General

FROM: Roger C. Adams RCA
Pardon Attorney

SUBJECT: Request for Comment on Proposed Letter to Dr. Nieves Falcón

We reviewed the proposed response from the Deputy Attorney General to a letter from Dr. Nieves Falcón, who represents the Puerto Rican Nationalists in the pending clemency matter concerning them. When the Bureau of Prisons asked us to comment on the draft, we pointed out that Dr. Nieves Falcón is one of the two people who signed and filed the clemency request and, as the first line of his letter indicates, is well aware of its current status, although not necessarily as a result of correspondence with his "organization" or "personal meetings" with him (as the draft now states). Accordingly, we suggested changing the fourth paragraph of the letter to say: "As you know, the request you filed for commutation of the sentences of Messrs. Jiménez and Rodríguez and a number of other Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter." We also pointed out that the extra "e" in "judgment" in the second line of the third paragraph should be deleted.

I do not know why the Bureau of Prisons elected not to make these changes, but the letter, as written, is not quite accurate on the clemency issue and seems a stilted response from the Deputy Attorney General under the circumstances. In any event, I don't think the Department uses the British spelling of "judgment," so that should be changed. (For your information, we initially suggested to the Bureau of Prisons that comment on the clemency issue did not seem necessary at all, since Dr. Nieves Falcón's letter focuses on the prison-transfer issue and mentions the clemency request only in passing.)

DRAFT

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanoa En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, PR 00907

Dear Dr. Falcón:

This is in response to your letter concerning Ricardo Jimenez and Alberto Rodriguez, inmates currently incarcerated by the Bureau of Prisons. You have requested an explanation for the transfer of these inmates. Additionally, you have requested assistance in securing Messrs. Jimenez and Rodriguez transfer to a lower security facility in closer proximity to their families and community. Lastly, you have requested a favorable recommendation on their petition for release from incarceration.

A review reveals that these individuals were transferred for adjustment purposes based on sound correctional judgment in response to safety and security concerns at United States Penitentiary, Lewisburg, Pennsylvania.

The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible. Alberto Rodriguez' conviction of Opposing by Force the Authority of the Government of the United States and Ricardo Jimenez convictions of Extortion, Seditious Conspiracy and Firearms Violations demonstrate that they require the higher security and controls unique to a penitentiary. We believe that these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

you know, the

you filed

As ~~previously stated in correspondence to your organization as well as in personal meetings, a~~ request for commutation of the sentences of a number of Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

other

Sincerely,

Messrs. Jimenez and Rodriguez and

Eric H. Holder, Jr.
Deputy Attorney General

TOTAL P.002

U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.
Fourth Floor

Washington, D.C. 20530

TELECOPIER COVER SHEET
Phone: (202) 616-6070
Fax: (202) 616-6069

6-19-98
Date

1:00 pm
Time

TO: Jeffrey Woodworth
BOP

FROM: Susan Kuzma

Phone: 7-0222
Fax: 4-6550

SUBJECT: Since Dr. Falcon filed the clemency request, we suggest changing the 2d-last paragraph a little to reflect that and to more specifically describe to whom the clemency request relates. (Please note there was only one meeting specifically with Mr. Falcon, and the correspondence may not have been w/ his "organization," but with the lawyer who co-filed the clemency request.) Also, a typo in 2d ¶. Call me at 6-6070 if you have questions.

Number of pages, including this cover sheet: 2

The original of this document will ___ will not ✓ follow.

1041065

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**********************
***   TX REPORT   ***
**********************

TRANSMISSION OK

TX/RX NO                0663
CONNECTION TEL                          46550
SUBADDRESS
CONNECTION ID
ST. TIME                06/19 11:53
USAGE T                 00'47
PGS.                      2
RESULT                  OK
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U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.
Fourth Floor

Washington, D.C. 20530

TELECOPIER COVER SHEET
Phone: (202) 616-6070
Fax: (202) 616-6069

6-19-98
Date

1:00 pm
Time

TO: Jeffrey Woodworth
BOP

FROM: Susan Kuzma

Phone: 7-0222
Fax: 4-6550

1041066

SUBJECT: Since Dr. Falcon filed the clemency request, we suggest changing the 2d last paragraph a little to reflect that

U.S. Department of Justice
Federal Bureau of Prisons, Central Office
Correctional Programs Division

Washington, D.C. 20534

June 19, 1998

MEMORANDUM TO SUSAN KUZMA, DEPUTY PARDON ATTORNEY

FROM: Jeffrey Woodworth,
Correctional Programs Branch

SUBJECT: Request for Language in Response for Eric H. Holder

Attached please find a draft response to the concerns expressed by Dr. Falcón. Please review this response for accuracy regarding the request for commutation of sentence.

Your assistance in this matter is greatly appreciated. Please contact me at 7-0222 for comments.

DRAFT

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanoa En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, PR 00907

Dear Dr. Falcón:

This is in response to your letter concerning Ricardo Jimenez and Alberto Rodriguez, inmates currently incarcerated by the Bureau of Prisons. You have requested an explanation for the transfer of these inmates. Additionally, you have requested assistance in securing Messrs. Jimenez and Rodriguez transfer to a lower security facility in closer proximity to their families and community. Lastly, you have requested a favorable recommendation on their petition for release from incarceration.

A review reveals that these individuals were transferred for adjustment purposes based on sound correctional judgement in response to safety and security concerns at United States Penitentiary, Lewisburg, Pennsylvania.

The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible. Alberto Rodriguez' conviction of Opposing by Force the Authority of the Government of the United States and Ricardo Jimenez convictions of Extortion, Seditious Conspiracy and Firearms Violations demonstrate that they require the higher security and controls unique to a penitentiary. We believe that these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

As previously stated in correspondence to your organization as well as in personal meetings, a request for commutation of sentences of a number of Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

1041068 TOTAL P.005

U.S. Department of Justice

Pardon Attorney

500 FIRST STREET, N.W.
FOURTH FLOOR

Washington, D.C 20530

TELECOPIER COVER SHEET
(202) 616-6070
FAX: (202) 616-6069

6-16-98
DATE

12^20
TIME

TO: Jeffrey Woodworth
BOP

FROM: Susan Kuzma

PHONE NO.: 7-0222

FAX NO.: 4-6550

SUBJECT: Per conversation, here's an example of the standard language we've used regarding the commutation request for the Puerto Rican prisoners. If you could FAX me a copy of what you propose to send to Dr. Falcon, I would appreciate it. My FAX i 6-606

NUMBER OF PAGES, INCLUDING THIS COVER SHEET 2

THE ORIGINAL OF THIS DOCUMENT WILL ____ WILL NOT ✓ FOLLOW.

1041069

U.S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

MAY 15 1998

[redacted]

Dear Ms[redacted]

This responds to your letter of April 24, 1998, supporting clemency for a number of Puerto Rican federal prisoners. As you know, a request to commute the sentences of a number of Puerto Rican prisoners is presently under consideration. Your views in their support are appreciated, and your letter will be made part of the clemency file in this matter. Thank you for your interest.

Sincerely,

Roger C. Adams

Roger C. Adams
Acting Pardon Attorney

1041070

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	0655	
CONNECTION TEL		46550
SUBADDRESS		
CONNECTION ID		
ST. TIME	06/16 11:24	
USAGE T	00'35	
PGS.	2	
RESULT	OK	

U.S. Department of Justice

Pardon Attorney
500 FIRST STREET, N.W.
FOURTH FLOOR

Washington, D.C. 20530

TELECOPIER COVER SHEET
(202) 616-6070
FAX: (202) 616-6069

6-16-98
DATE

12^20
TIME

TO: Jeffrey Woodworth
BOP

FROM: Susan Kuzma

PHONE NO.: 7-0222

FAX NO.: 4-6550

1041071

SUBJECT: Per conversation, here's an example of the standard language we've used regarding the commutation request for the Puerto Rican prisoners. If you could FAX me

U.S. Department of Justice
Federal Bureau of Prisons, Central Office
Correctional Programs Division

Washington, D.C. 20534

June 16, 1998

MEMORANDUM TO SUSAN KZMA, DEPUTY PARDON ATTORNEY

FROM: Jeffrey Woodworth,
Correctional Programs Branch

SUBJECT: Request for Language in Response for Eric H. Holder

Attached please find a copy of correspondence regarding a Federal inmate. In this correspondence the author requests a "favorable recommendation on the petition to release of prisoner." We are requesting assistance in preparing language to this issue. Please review this correspondence and contact me at 7-0222 at your earliest opportunity.

Your assistance in this matter is greatly appreciated.

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 548568
2. TRACKING ID No: X98-079806
3. RESERVED
4. DATE OF DOCUMENT: 06/03/98
5. DATE RECEIVED: 06/09/98
6. DUE DATE: 06/23/98

7. FROM: Luis N. Falcon
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
San Juan, PR 00907

8. TO: DAG

9. CATEGORY: GENERAL

10. SUBJECT:
Letter (rec'd from ODAG) inquiring as to why Puerto Rican political prisoners Alberto Rodriguez and Ricardo Jimenez were transferred from the USP in Lewisburg to other facilities in Texas and Indiana. Also requests that the DAG provide a favorable recommendation on the petition to release the prisoners. (kgt)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
BOP	06/09/98	DAG's signature - per Kim Tolson For ~~component response~~. Return control sheet with signed and dated copy of response to Executive Secretariat.

Referred To:	Date Assigned:	Information:
ODAG	06/09/98	For information.
OPA	06/09/98	For information.

SLW 6/10/98

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
Puerto Rican political prisoners

13. EXECUTIVE SECRETARIAT CONTACT: Kimberly Tolson, 514-8588

COMITE PRO-DERECHOS HUMANOS EN PUERTO RICO
Calle Rodríguez Serra 16
Suite 2 B
San Juan, PR 00907
Tel/Fax (787) 723-6629

June 3, 1998

Hon Eric H. Holder, Jr.
Deputy Attorney General
U.S. Departement of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Alberto Rodríguez, 92150-024
Ricardo Jiménez, 88967-024

Dear Mr. Holder:

While we were glad to hear that the Department of Justice will soon make its recommendation to the White House on our long-pending application for the release of the Puerto Rican political prisoners in U.S. custody, that was certainly not our reaction to learning that Messrs. Rodríguez and Jiménez were abruptly transferred this week. While we do not want to distract you from the business at hand, we must advocate for their humane treatment while they remain in custody. It is difficult to fathom why these two men would be uprooted and, in Mr. Rodríguez' case, moved to a prison even farther from their loved ones. We attach recent correspondence from their attorney to the warden at USP Lewisburg asking the warden to simply leave them alone. We understand that he never responded to the letter. Could it be that these moves are the vindictive response? Bureau of Prisons officials have refused to offer any legitimate justification for either the fact that they were moved or for the prisons to which they have been designated: USP Beaumont, TX, and USP Terre Haute, IN, respectively.

We believe, particularly in light of our optimism that the White House will soon grant their release, that they should be placed in lower security prisons close to their families and communities, so as to ease their reentry into civil

society. Whether or not that is done, we would like to know the reasons for these latest moves, and we must ask that the Bureau of Prisons permit them to serve in peace and unmolested whatever portion remains of their disproportionately lengthy sentences. Of course the best response we could hope for from you would be a favorable recommendation on the petition for their release.

Sincerely yours,

Dr. Luis Nieves Falcón
Coordinator

cc: Kathleen Hawk, Director
Federal Bureau of Prisons
320 First St., N.W.
Washington, D.C. 20534

PUERTO RICO HUMAN RIGHTS COMMITTEE

June 14, 1999

Hillary Rodham Clinton
The First Lady of the
United States of America

Dear Mrs. Rodham Clinton,

As a goodwill ambassador for the United States and a long friend of the cause of human rights, we urge you to support the liberation of 15 Puerto Rican women and men incarcerated in United States federal prisons for the past 19 years. These prisoners were convicted of seditious conspiracy for their activities in support of Puerto Rican independence. None of them was accused of nor convicted of causing physical harm to anyone. Yet, their disproportionate sentences go as high as 105 years in prison.

As you probably know, Puerto Rico is a politically divided country. Yet on the same token, we stand united by our deep-rooted values, traditions, profound sense of justice and selfless love for our country and our own. Although many do not expressly agree with the path chosen by these prisoners to advance the cause of independence for Puerto Rico, there is no doubt among Puerto Ricans that they were motivated by the purest and loftiest of political ideals and the love for their fatherland. Without a doubt, these people are not criminals.

We, hereby, respectfully present for your consideration the expressed support of the Puerto Rican people, be it living on the island or in the United States, for the liberation of our 15 political prisoners. Leaders of all political parties in Puerto Rico, including two living former governors of the island, most religious leaders and labor unions, the Puerto Rico Manufacturers Association, historians, artists, and Puerto Ricans from all walks of life have signed letters supporting the liberation of the 15 political prisoners, requesting President Clinton to pardon these prisoners, assuring their safe return to their homes, families and children.

PUERTO RICO HUMAN RIGHTS COMMITTEE

The Clinton Administration has expressed their support for the right of the people of Puerto Rico to their self-determination. The U.S. government has never provided the people of Puerto Rico with the opportunity to peacefully determine their own future by selecting from among viable options offered them by the federal government.

As you so rightfully stated during your December 10, 1997 remarks to the United Nations Economic and Social Council Chamber in New York City: *"It is because every era has its blind spots that we must see our own unfinished business now while we stand on the threshold of a new millennium with ever greater urgency. We must rededicate ourselves to completing the circle of human rights once and for all. We must challenge ourselves to see more sharply, to hear more clearly, to feel more fully."*

We strongly believe that among the few things which would better convey the love and respect for our people and our desire to achieve reconciliation and a peaceful resolution of our political contradictions is supporting the commuting of the 15 Puerto Rican political prisoners sentences to time served, thereby bringing to an immediate end their excessively long periods of confinement.

The Puerto Rican community will stand behind your support to this cause. May God guide your actions.

If you need further information about the 15 Puerto Rican political prisoners your office can reach me at: telephone (787) 725-1463/fax (787) 723-9829.

Sincerely,

Luis Nieves Falcón

Prof. Luis Nieves Falcón
Coordinator

CL 13343

THE WHITE HOUSE
WASHINGTON

October 14, 1999

VIA FACSIMILE AND U.S. MAIL

Kristi L. Remington
Senior Counsel
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Ms. Remington:

I am writing in response to your October 12, 1999 letter inquiring about documents CL 15550-62.

The author of these handwritten notations is Mayra Martinez-Fernandez, Special Assistant to the Co-Chair, Interagency Task Force on Puerto Rico. Pages CL 15550-52 comprise the first three pages of a four page document reflecting a meeting regarding the clemency matter. The fourth page, CL 15553, appears on the privilege log. We intended to include all four pages on the privilege log and withhold them as being subject to the President's assertion of executive privilege. Due to an inadvertent typographical error, however, pages CL 15550-52 were omitted from the log and instead were produced to the Committee. In the spirit of accommodation, we will provide you with CL 15553, which is enclosed.

Although the document was produced to the Committee in error, we believe that the document, and related matters and testimony, continue to be subject to the President's assertion of executive privilege.

We have revised the privilege log accordingly to reflect this correction. A copy is enclosed.

If you have any questions, please call me at 202-456-5814.

Sincerely,

Dimitri J. Nionakis
Associate Counsel to the President

Enclosure

- Something like this needs to go through Pardon Attorney's process.
- Cong. Gutierrez, Susler, Nieves Falcón, Deutch met with Love last Summer. No Follow-up from Gutierrez.
- High priority PR issue
  Right to fight for independence (terrorism / violence is seen in this context by PRicans).
  High priority for PR communities in "Romantic Nationalism"
- Responsive but not involved (Pres.)
- Grant them mtg. w/ some people in Justice + WH to give impression they're working on it. Keep at Justice level.

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

FAX

TO	Jeffrey Farrow The White House
FROM	Prof. Luis Nieves Falcón Coordinator Committee for the Defense of Human Rights in Puerto Rico (787) 722-6498
DATE	August 16, 1999
RE	**Unconditional Release of all 15 Puerto Rican Political Prisoners**
PAGES	8 (TOTAL)

Enclosed you will find the following documents:

1. Fact Sheet on the campaign for the unconditional release of all 15 Puerto Rican political prisoners

2. Puerto Rican political prisoners: Problems with the Clinton Administration Offer

3. Reasons for the Clinton/Gore Administration to release unconditionally all 15 Puerto Rican political prisoners

CL 12559

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

FACT SHEET
ON THE CAMPAIGN FOR THE UNCONDITIONAL RELEASE OF ALL 15 PUERTO RICAN POLITICAL PRISONERS

Contact Person: Prof. Luis Nieves Falcón
Coordinator
Committee for the Defense of Human Rights in Puerto Rico
(787) 722-6498

For your reference, herein are fundamental facts pertaining the campaign known as *It is Time to Bring them Home*, mass launched in 1996, in defense of the human rights of the 15 Puerto Rican Political Prisoners held for the past 19 years in United States jails.

The release of the political prisoners is in the hands of President Clinton. The Clinton Administration recently offered conditional release to only eleven (11) of the fifteen (15) Puerto Rican political prisoners (See document: Problems with the Clinton Administration Offer). Bearing this in mind, the Committee for the Defense of Human Rights in Puerto Rico is intensifying efforts on behalf of all 15 prisoners, including the celebration of a multitudinary event denominated *Grand March: Freedom for Our Own*. The March will be held Sunday, August 29, 1999 in San Juan, Puerto Rico, organized as a response to President Clinton's decision and to convey the will of the vast majority of the Puerto Rican people in support of the immediate and unconditional release of all 15 Puerto Rican political prisoners.

The Puerto Rican Political Prisoners, 10 men and 15 women, most of whom have been in jail for 19 years, received sentences of up to 105 years: the equivalent of a life sentence. The excessive nature of their sentences is in sharp contrast with time served for a federal crime (kidnapping, rape, murder, armed robbery, threats to the President), which averages 5.3 years. These sentences show an alarming disparity, since none of these 15 Puerto Ricans has committed murder or attempted murder. The general accusation of "Seditious Conspiracy", a charge whose sole legal precedent dates to its origin during the American Civil War, refers to an intellectual crime which was not executed. In other words, they are being punished for their concept of the ideal of Independence in Puerto Rico.

The imprisonment conditions to which these Puerto Ricans have been subjected are confirmed to violate the penal and human rights established both by International Law and the Law of the United States. Among numerous incidents reported we may mention: the prohibition/restriction of physical contact (kiss, hug, hand contact) with family members; forced physical searches of frisking; the use of video surveillance cameras in showers; the use of sensory deprivation techniques, such as keeping the lights on 23 hours per day, amid white walls, throughout prolonged periods of time; sudden transfers to prisons where calls to Puerto Rico are not permitted; the use of handcuffs on their wrists and shackles around their ankles even when taking a shower; the refusal to provide them medical attention; and the unjustified assignment to maximum security wards.

On an international level, the campaign for the unconditional release of all 15 political prisoners enjoys the expressed support of: 12 Nobel Prize Laureates, among them, Rigoberta Menchú, Archbishop Desmond Tutu, and Adolfo Pérez Esquivel; Coretta Scott King, the widow of Reverend Martin Luther King; the US Chapter of Amnesty International; all three (3) Puerto Rican members of the US Congress, José Serrano, Nydia Velázquez and Luis V. Gutiérrez; and the African National Congress, among hundreds of other supporters.

As recently as the past 6th of July, a resolution regarding the Puerto Rican political prisoners, submitted to the United Nations Organization, received the support of 12 countries, and no opposition votes.

The request for Amnesty for all 15 Puerto Rican political prisoners has been unanimously endorsed by the most diverse sectors of the Puerto Rican society, be them living on the island or in the United States. Among the supporters are: leaders of all political parties in Puerto Rico (Statehood, Commonwealth and Independence supporters), including three former governors of the island; over thirty (30) religious leaders, including Catholic and Protestant organizations; labor unions; the past ten (10) presidents of the Puerto Rican Attorneys' Professional Association; the Puerto Rico Manufacturers Association; historians; and artists, who are among all of those who have joined the more than 1000,000 Puerto Ricans who have written President Clinton on behalf of the unconditional Presidential Amnesty for these 15 Puerto Ricans.

COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN PUERTO RICO

REASONS FOR THE CLINTON/GORE ADMINISTRATION TO RELEASE UNCONDITIONALLY ALL 15 PUERTO RICAN POLITICAL PRISONERS

Contact Person: Prof. Luis Nieves Falcón
Coordinator
Committee for the Defense of Human Rights in Puerto Rico
(787) 722-6498

The United States Government has 15 Puerto Rican political prisoners, 5 women and 10 men incarcerated in federal prisons for the past 19 years. These prisoners were convicted of seditious conspiracy for their activities in support of Puerto Rican independence. None of them was accused of nor convicted of causing physical harm to anyone. Yet, their disproportionate sentences go as high as 105 years in prison.

After almost two decades of legal battles and community support for the prisoners, the Clinton/Gore Administration has the opportunity to provide Amnesty and free all 15 Puerto Ricans, before he leaves office in January 2000.

The Clinton/Gore Administration has good reasons to favor an amnesty, among them:

1. The tradition of granting presidential pardons demonstrates that they have been used in efforts of national reconciliation, i.e., the Civil War, the Vietnam War, the opposition to the draft. The commuting of the 15 Puerto Rican political prisoners sentences to time served, thereby bringing to an immediate end their excessively long periods of confinement, would be an important contribution to the reconciliation between the United States and Puerto Ricans, be it living in the island or in US cities.

2. The Clinton/Gore Administration has been consistent in its foreign policy regarding human rights and international peace endeavors. It was the President's initiative to receive Yaser Arafat in the seat of government, thus propitiating a historic event. His support for the struggle against Apartheid in South Africa, his conciliatory participation in Bosnia, Haiti, and Northern Island are proof of his genuine compromise with peace, liberty and the self-determination of countries.

PUERTO RICAN POLITICAL PRISONERS: PROBLEMS WITH THE OFFER FROM THE CLINTON ADMINISTRATION (Translated Excerpts)

by the Puerto Rico Human Rights Committee

1. The offer does not equally apply to all 15 political prisoners on behalf of which the Campaign submitted the petition for unconditional release.

2. The offer depends on the prisoners accepting a series of conditions. The conditions that they are being asked to accept as part of the offer do not represent a lifting of their sentences. They are being released from prison to continue serving their sentences outside in some cases for the rest of their lives.

3. One of the conditions is that the prisoners have to renounce to the use of violence. This condition was unnecessary since they have already clearly established in a statement submitted to the House Resources Committee that they had plans of integrating themselves to the civic and civil life as well as to the political processes of their communities, and that they understood that the times have changed.

4. The majority of the conditions that would be imposed on the prisoners once they sign the document, are not explicitly established, but only make reference to the conditions establish by the Parole Commission. Our research reveals that those conditions include restrictions on travel and associations, among others. The offer is equivalent to parole which does not represent a commutation or offer of indulgence.

5. The offer is punitive. It continues to penalize and criminalize them.

6. The prisoners cannot discuss the offer of the government among themselves.

7. The Clinton/Gore Administration has participated in numerous efforts in favor of the release of political prisoners around the world, such as in South Africa, Palestine, Northern Ireland, and Kosovo, where political prisoners are freed without conditions.

The people of Puerto Rico, Reps. Luis Gutierrez and Nydia Velazquez, Rev. Jesse Jackson, San Juan Archbishop Roberto Gonzalez Nieves, New York Councilman Jose Rivera, the National Puerto Rican Coalition, the Puerto Rican Legal Defense and Education Fund, and several others have publicly expressed in Puerto Rico and the U.S. their opposition to this offer and have requested from Clinton and Gore the unconditional release of all 15.

August 15, 1999

U.S. Department of Justice
Office of the Pardon Attorney

JUL 15 1998

To: Ed Smith

Fr. Roger Adams

The letter to Dr. Falcon for the DAG's signature has been revised and is ready for him to sign

1041051

C69825861

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 548568
2. TRACKING ID No: X98-079806
3. RESERVED
4. DATE OF DOCUMENT: 06/03/98
5. DATE RECEIVED: 06/09/98
6. DUE DATE: 07/07/98

7. FROM: Luis N. Falcon
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
San Juan, PR 00907

8. TO: DAG

9. CATEGORY: GENERAL

10. SUBJECT:
Letter (rec'd from ODAG) inquiring as to why Puerto Rican political prisoners Alberto Rodriguez and Ricardo Jimenez were transferred from the USP in Lewisburg to other facilities in Texas and Indiana. Also requests that the DAG provide a favorable recommendation on the petition to release the prisoners. (kgt)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
ODAG	06/29/98	For DAG signature.
BOP	06/09/98	For component response. 6/10/98: Per request from BOP,, sig level changed from BOP to DAG. ODAG approved. 6/29/98: w/memo from BOP dtd 6/26/98, submitting a response for DAG signature.

Referred To:	Date Assigned:	Information:
ODAG	06/09/98	For information.
OPA	06/09/98	For information.

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
Puerto Rican political prisoners

13. EXECUTIVE SECRETARIAT CONTACT: Kimberly Tolson, 514-8588

ROGER ADAMS!

OFFICE OF THE DEPUTY ATTORNEY GENERAL
98 JUN 29 AM 10:

9. From: De Smith To: Sondra Hunt Date 07/13/98

Please send to Roger Adams with the following note: BOP called and instructed to contact your office by Monday re: the changes.

1041052

Office of the Deputy Attorney General
Washington, D.C. 20530

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, Puerto Rico 00907

Dear Dr. Falcón:

This is in response to your letter concerning Ricardo Jiménez and Alberto Rodríguez, inmates currently incarcerated by the Bureau of Prisons. You request an explanation for the transfer of these inmates from the United States Penitentiary (USP), Lewisburg, Pennsylvania, to other penitentiaries. Additionally, you request assistance in securing Messrs. Jiménez and Rodríguez' transfer to a lower security facility in closer proximity to their families and community. Lastly, you request a favorable recommendation on their petition for release from incarceration.

The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible.

Both individuals were transferred for adjustment purposes based on sound correctional judgment in response to safety and security concerns at USP, Lewisburg. Alberto Rodríguez' conviction of Opposing by Force the Authority of the Government of the United States and Ricardo Jiménez' convictions of Extortion, Seditious Conspiracy and Firearms Violations demonstrate that they require the higher security and controls unique to a penitentiary. We believe these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

As you know, the request you filed for commutation of the sentences of Messrs. Jiménez and Rodríguez and a number of other Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

1041053

Office of the Deputy Attorney General
Washington, D.C. 20530

Dr. Luis Nieves Falcón
Coordinator
Comite Pro-Derechos Humanos En Puerto Rico
Calle Rodriguez Serra #8
Suite 2 B
San Juan, Puerto Rico 00907

Dear Dr. Falcón:

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The Bureau of Prisons (BOP) attempts to place inmates at facilities as close to their homes as possible, commensurate with their security needs. However, due to security and custody concerns, as well as individual inmate programs needs, this is not always possible.

Both individuals were transferred for adjustment purposes based on sound correctional judgment in response to safety and security concerns at USP, Lewisburg. Alberto Rodríguez' conviction of Opposing by Force the Authority of the Government of the United States and Ricardo Jiménez' convictions of Extortion, Seditious Conspiracy and Firearms Violations demonstrate that they require the higher security and controls unique to a penitentiary. We believe these individuals are not appropriate candidates for a transfer to a lower security facility and are correctly placed at this time.

As you know, the request you filed for commutation of the sentences of Messrs. Jiménez and Rodríguez and a number of other Federal prisoners is presently under consideration. Your letter has been incorporated into the clemency file on this matter.

I trust this information assists you in understanding BOP policy and our position in this matter.

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

1041054

U.S. Department of Justice
Office of the Pardon Attorney

MCL –

I called Roger on Fri. & told him about the mtg. on 6/20 w/ Susler & Falcon. He doesn't want to come to it but will if we are asking him to. I told him I wasn't aware

of your feelings about
it. He said as far as
I was concerned it's
a routine mtg. (He
breathed an audible
sigh of relief ....)

pmk

ID # 074417 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☒ I - INCOMING
Date Correspondence Received (YY/MM/DD) 95 / 1 / 19

Name of Correspondent: Dr. Luis ~~Nuñez~~ Nieves-Falcon

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Pardon Request for Puerto Rican prisoners

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CW MKYA	ORIGINATOR	95/1/19		C	95/1/9
	Referral Note:				
CWAT OS (Mills)	A	950123			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

5/81

1042021

7-19-94

Margaret Love	OPA
Susan Kuzma	OPA
Billy Ocasio	26th Ward Alderman, Chicago
Michael Deutsch	Legal Director, Center for Constitutional Rights, New York, NY 10012 666 Broadway
Margarita Mergal	Ofensiva '93 San Juan, P.R.
Luis Nieves Falcón	Sociologist, attorney, San Juan.
Jan Susler	attorney, Chicago IL
Luis V. Gutierrez	Member of Congress 4th District Il.

1042222

July 19, 1994
meeting w/ Gutierrez
& Ocasio

1042221

COMITÉ PRO DERECHOS HUMANOS
DE PUERTO RICO
Apartado 16754
San Juan, Puerto Rico 00908-6754
Phone: 787-725-1463
Fax: 787-723-9829

facsimile

A: Mr. Jeff Farrow
De: Dr. Luis Nieves Falcón
Fax: 202-482-2337
Fecha: July 1, 1999
Tele:
Paginas: 4
Re:
CC:

☐ Urgente ☐ Revisar ☐ Comentario ☒ Contestar ☐ Destruir

Nota:

Invitation to attend international conference.

CL 12996

COMITÉ PRO DERECHOS HUMANOS
DE PUERTO RICO

July 1, 1999

Mr. Jeff Farrow
Senior Adviser to the Department on Puerto Rico
Room 6011
14th and Pennsilvania Ave.
Washington D.C. 20231

Dear Mr. Farrow:

With great appreciation for all your leadership in the effort to obtain the release of our political prisoners, I write to invite you to take part in an international conference regarding the campaign. The conference will be held at the University of the Sacred Heart, a Catholic university in Puerto Rico, from August 26-30, 1999.

The principal components of the conference are:

1. On Friday, short presentations and responses from international guests, and a gala dinner/fund raising activity.
2. On Saturday, workshops and an evening premiere of the documentary regarding Dylcia Pagán and her son Guillermo Morales Pagán, THE DOUBLE LIFE OF ERNESTO GÓMEZ GÓMEZ.
3. On Sunday, an all day demonstration and cultural activity on behalf of Puerto Rican political prisoners, in support of all political prisoners and in solidarity with the people of Vieques. The march is non-partisan and will include participants from all sectors of Puerto Rican society.
4. On Monday, there will be a plenary session and a press conference.

If you are able to participate, we will provide for your lodging (in homes or modest accommodations provided by religious organizations) and transportation within Puerto Rico.

Again, please know of our deepest appreciation for all your support of this work. We hope that you will be able to attend this important conference.

Fraternally,

Dr. Luis Nieves Falcón
Coordinator

Enclosure: Preliminary Program

Apartado 16754, San Juan Puerto Rico 00908-6754, Fax (787) 723-9829 / Tel (787) 725-1463

PUERTO RICO'S RIGHT TO HUMAN DIGNITY: CONFERENCE ON BEHALF OF AMNESTY PETITION FOR PUERTO RICAN POLITICAL PRISONERS

Preliminary Programme

Thursday, August 26, 1999

- Arrival of International Guests.

Friday, August 27, 1999 — All Day Conference.

Morning Session

- 9:00 – 9:30A.M. — Conference Registration.
- 9:30 – 10:00A.M. — Opening.
- 10:00A.M – 12:00N. — Selected speakers and audience discussion.
- 12:00 – 1:30P.M. — Lunch.

Afternoon Session

- 1:30 – 4:30P.M. — Selected Speakers and audience discussion.

Evening Session

- 8:00 – 11:00P.M. — Gala dinner and cultural activity (Fund raising activity).

Saturday, August 28, 1999

Morning Session

- 9:30A.M. – 12:00N. — Concurrent Workshops.
  - ✓ **THE RIGHT TO SELF-DETERMINATION AND HUMAN RIGHTS** (Workshop 1).
  - ✓ **ECONOMICS, DEPENDANCE AND HUMAN RIGHTS** (Workshop 2).
- 12:00 – 1:30P.M. — Lunch.

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Afternoon Session

☞ 1:30 – 4:00P.M. Concurrent Workshops.
- ✓ **Political Prisioners and Human Dignity** (Workshop 3).
- ✓ **Disinformation and Political Prisoners** (Workshop 4).

Evening Session

☞ Premiere: **The Double Life of Guillermo Gómez Gómez (Documentary).**

Sunday, August 29, 1999

☞ 1:00 – 5:00P.M.	Mass demostration and cultural activity on behalf of freedom and peace **-La marcha de la dignidad-.**

Monday, August 30, 1999

Morning Session

☞ 9:00 – 11:00A.M.	Plenary Session.
☞ 11:00A.M. – 12:00N.	Press Conference.
☞ 12:00 – 1:30P.M.	Lunch.

Afternoon Session

☞ 1:30P.M.	Departure of International Guests.

COMITÉ PRO DERECHOS HUMANOS EN PUERTO RICO

FRENTE UNIDO POR LA EXCARCELACIÓN DE LOS PRISIONEROS POLÍTICOS

A MARCHAR EL DOMINGO, 29 DE AGOSTO

Contacto: Prof. Luis Nieves Falcón, teléfono: 725-1463

(San Juan, Puerto Rico - lunes, 9 de agosto de 1999) Rodeados por decenas de líderes cívicos, religiosos, ambientalistas, estudiantes, artistas y trabajadores; un grupo de familiares de los prisioneros políticos y miembros del Comité Pro Derechos Humanos en Puerto Rico, anunciaron hoy en conferencia de prensa la celebración de la *Gran Marcha: Libertad para los Nuestros*. Hijos, nietos, madres y padres de los prisioneros políticos invitaron a todos los puertorriqueños a que se unan a ellos para marchar el domingo, 29 de agosto de 1999. La marcha partirá a la 1:00 de la tarde desde la Plaza Barceló en Barrio Obrero y culminará frente al Edificio de la Corte Federal en Hato Rey.

El objetivo de la *Gran Marcha: Libertad para los Nuestros* es reiterarle al Presidente Clinton el apoyo amplio y masivo del pueblo puertorriqueño por la excarcelación de estos 10 hombres y 5 mujeres, antes de que se cumpla su término y abandone Casa Blanca. El Presidente Clinton, en cuyas manos está la excarcelación de estas personas, ya ha recibido sobre 100,000 cartas de puertorriqueños de todos los partidos políticos, solicitándole que libere a los prisioneros. Dichas peticiones se suman a otras de organizaciones en América Latina, África, Estados Unidos y Europa, incluyendo a 12 recipientes del Premios Nóbel y la Organización de las Naciones Unidas.

"Queremos que el Presidente Clinton nos escuche", dijo Clarissa López, hija del prisionero político Oscar López. "Llevan 19 años en prisión, alejados de sus familiares y amigos y del Puerto Rico que tanto aman. No han matado, ni secuestrado, ni violado a nadie. Pagan por sus ideales. Lo justo es que el Presidente Clinton los libere antes de terminar su presidencia para que puedan regresar al amor de la gran familia puertorriqueña", señaló López, durante conferencia de prensa celebrada hoy en el Pabellón de la Paz en Puerta de Tierra.

CL 13000

EXHIBIT 12

Threat Assessment 30 June 1999

FALN ***(Fuerzas Armadas de Liberación Nacional Puertorriqueña)***
(Armed Forces for Puerto Rican National Liberation)

VIOLENT ESCAPE WITH HEAVILY ARMED OUTSIDE SUPPORT. ASSISTANCE TO/FROM OTHER LEFT WING DOMESTIC TERRORIST GROUPS.

The FALN is a clandestine, U.S. mainland (Chicago and New York) based domestic terrorist group dedicated to achieving independence for Puerto Rico from the United States through the use of violent actions including bombings, incendiary attacks, kidnappings, prison escapes, threats, and intimidation. If escapes should occur, the potential for long-term fugitive status is significant. As perceived issues emerge involving the status of Puerto Rico, or key FALN figures in BOP custody, outside demonstrations supervised by FALN attorneys can be anticipated. Sympathizers continue to stress their view that FALN members in BOP custody are prisoners of war/political prisoners, and press for their release via executive pardon, or similar political venues.

Their operations are at least partially funded with the proceeds of armed robberies and similar illicit acts. A number of sources regard a trained Cuban intelligence officer, Filiberto Ojedo-Rios 03167-069 (fugitive) as the "father" of the FALN, although he has since emerged as the recognized leader of the ***EBP- Macheteros***, a separate Puerto Rican island based domestic terrorist group also dedicated to Puerto Rican independence through violence. William Morales (fugitive) is regarded by many as the current overall leader of the FALN and is thought to be residing in Cuba as a subsidized guest of the Castro government, along with fellow FALN fugitive, Luis Rosado-Ayala. Oscar Lopez-Rivera 87651-024, tactical general and lead bomb trainer, is currently the senior FALN member in BOP custody.

Many FALN members originally belonged to the above ground **MLN** (***Movimiento de Liberacion Nacional Puertorriqueño***) before being recruited for clandestine FALN operations. Several key members had also been members of the **Young Lords Organization (YLO)**, or the ***Don Pedro Albizu Campos Collectiva*** **(DPACC)**.

The specific threat posed by members is violent escape, aided by heavily armed outside para-military assistance. The use of helicopters, LAW rockets, C-4 explosives, fragmentation grenades, white phosphorus grenades, and very large numbers of semi-automatic assault weapons has been planned during previous escape plots. Innovative techniques, such as a plot to fly a remote controlled model airplane packed with C-4 explosives into the open window of a penitentiary gun tower have also been considered.

FALN members and their co-conspirators are well disciplined terrorists who exercise full operational security procedures.

Senior FALN members in BOP custody should ordinarily be viewed as extreme escape risks with significant outside resources.

05/25/86 LVN Plot to effect violent helicopter escape by Oscar Lopez 87651-024, Timothy Blunk 09429-050 (M19CO), and Grailing "Kojo" Brown 39384-066 (BLA/BPP) from USP Leavenworth[1]. Plot involved helicopter escape coordinated with a planned heavy outside assault on the institution with LAW rockets, at least 46 semi-automatic assault weapons, a case of mixed grenades, and 50 pounds of C-4 explosives, as well as a coordinated attack on the helicopter flight line at Fort Leavenworth so as to prevent their response to the main assault. The plot allegedly included heavy use of attorneys and paralegals to pass escape plot materials through the visiting room. At least one computer in the Education Department was compromised and attempts were made to use it (via an illicit modem) to coordinate logistics and safe-house plans with a recently released inmate using a computer in the Denver area.

[1] Code named "Operation Sequel" by the FBI, official documents list the case, which ultimately involved 5 FBI Divisions, as the largest domestic terrorism case in FBI history (This dubious honor remained in effect through the end of the decade.) PFOC members Claude Marks 38771-079 and Donna Jean Wilmott 38772-079, who attempted to procure 50 pounds of C-4 explosives for the escape plot, remained on the FBI "10 Most Wanted List" for 8 years until their eventual surrender to authorities on 12/6/94.

Oscar López-Rivera	70 years for attempted escape and seditious conspiracy;, #1 FALN tactical leader and bomb trainer; former member Young Lords Organization (YLO); Vietnam veteran (Army); ; brother José Lopez is leader of MLN; Oscar Lopez is husband of Ida Luz Rodriguez 88973-024.
Carlos Alberto Torres	70 years for multiple explosives, firearms, and related charges; FALN leadership level, possibly 2nd in command; step-son of Alejandrina Torres 92152-024.
Marie Haydee (Beltran) Torres	life sentence for bombing; wife of Carlos Alberto Torres;
Alejandrina Torres	35 years, seditious conspiracy; skilled bomb trainer & tactical planner; step-mother of Carlos Alberto-Torres 88976-024.
Elizam Escobar	60 years, seditious conspiracy;
Jaime Delgado	now released; 2nd in command of MLN in Chicago; editor of *Libertad*; past chairman of MLN's "National Committee to Free Puerto Rican Prisoners of War"
Ricardo Jiménez	90 years, bombing charges;
Aldolpho Matos (Antongiorgi)	70 years, multiple firearms & related violations;
Dylcia Pagán	55 years, seditious conspiracy; common law wife of FALN leader William Morales (fugitive).
Alberto Rodríguez	35 years, explosives charges; early member of *Don Pedro Albizo Campos Collectiva* (DPACC), and MLN
Ida Luz "Lucy" Rodriguez	75 years, seditious conspiracy; wife of Oscar Lopez
Luis Rosa	75 years; seditious conspiracy and related firearms/stolen vehicle charges;
Alicia Rodríquez	55 years, seditious conspiracy; sister of Ida Luz Rodriquez
Viola Salgado	now released; played role in Oscar Lopez escape plot; sister in law of Oscar Lopez 87651-024
Carmen Valentín	90 years, seditious conspiracy
Edwin Cortés	35 years, explosives charge; helped found *Don Pedro Albizu Campos Collectiva* (DPACC), which eventually merged w/ another Puerto Rican group to form the MLN
Pablo Marcano-Garcia	12 years for 09/22/78 kidnapping of Chilean Consulate in protest of the Pinochet regime; strong ties to OVRP; ties to CUCRE
Nydia Cuevas-Rivera	now released (1985); 12 years for 09/22/78 kidnapping of Chilean Consulate in protest of the Pinochet regime
Jose Solis	51 months, explosives related charges, 12/10/92 bombing of vehicle outside Armed Forces Recruiting Center, Chicago
Guillermo Segarr-Rivera	pre-sentence detainee, listed as suspect FALN (may actually be an *EPB Macheterо*) charged with possession of explosives.

EXHIBIT 13

Threat Assessment 21 July 1998

PRTP/EPB-*MACHETEROS* *(Partido Revolucionario de los Trabajadores Puertorriqueños/Ejercito Popular Boricua-Macheteros)* (Revolutionary Party of the Puerto Rican Workers-Popular Boricuan Army-Machete Wielders)

VIOLENT ESCAPE WITH HEAVILY ARMED OUTSIDE SUPPORT. CONTINUING ROLE IN TERRORISM INCIDENTS IN THE COMMUNITY. THE *EPB-MACHETEROS* ARE ONE OF THE MOST VIOLENT DOMESTIC TERRORIST GROUPS OF THE PAST TWO DECADES.

The *EPB-Macheteros* is a clandestine, Puerto Rico based domestic terrorist group dedicated to achieving independence for Puerto Rico from the United States through the use of violent actions to include bombings, incendiary attacks, LAAW rocket attacks,ambushes, assassinations, threats, and intimidation. In addition to the highly sophisticated support of their fellow EPB members not now incarcerated, the group also enjoys fairly broad based sympathy and popular support from the general *Puertorriqueño* populace. If escapes should occur, the potential for long-term fugitive status is significant. While only two members still remain in BOP custody, future indictments could affect the threat characteristics of this group dramatically. Escorted medical trips and trips to court for members of this group should be managed as high risk activities.

The *EPB-Macheteros* trace their beginnings to the formation of the *Movimiento Independista Revolucionario en Armas* (MIRA) in 1968 under the leadership of trained Cuban intelligence officer Filiberto Ojedo-Rios 03167-069. Still under the continuing leadership of Oejedo-Rios, the group split on October 31, 1976 into two factions; the *Boricuan* Peoples Army (*Ejercito Popular Boricua*), popularly known as "*Macheteros*" (machete wielders); and the associated group, *Partido Revolucionario de los Trabajadores Puertorriqueños* (PRTP - Revolutionary Party of Puerto Rican Workers). The *EPB-Macheteros* first came to the attention of law enforcement on August 24, 1978 when two Puerto Rican police officers were ambushed near the community of Naguabo. One officer was killed outright, and the other was released unharmed. The EPB and the PRTP issued a joint communique claiming responsibility for the ambush. For all practical purposes, the two groups have operated as one to the present day, with the PRTP being rarely mentioned in communiques or other internal documents. The group has emerged as clearly one of the most violent domestic terrorist groups of the past two decades. Major incidents have included the violent ambush of a navy bus, the destruction of 11 military aircraft, separate LAAW rocket attacks on offices of the FBI and USMS, numerous armored car robberies, and the assassination of military personnel. On a number of occasions starting in 1979, they have also joined forces with other terrorist groups, such as the FALN, CRP, OVRP, and FARP for coordinated attacks on personnel, equipment, and installations. A number of sources regard fugitive Filiberto Ojedo-Rios 03167-069 as the *Lider Maximo* (overall leader) of the *Macheteros*, and Luis Alfredo Colon-Osorio 03172-069 as the salaried "military commander."

04/21/89 NYM	**Attorney Linda Blackwell attempts to smuggle minor contraband in for *Lider Maximo* Filiberto Ojedo Rios 03167-069 by tying a bag of candy to her arm under her clothing.**
03/15/93 MCK	**Investigative information suggests that Antonio Camacho-Negron 03587-069 had knowledge of a conspiracy to kill a government official. Referred to FBI.**

In the event that the 15 are not pardoned (it is anticipated they will not be), the potential exists for a return to violent tactical actions rather than public relations campaigns.

Filiberto Ojedo-Rios (former BOP inmate 03167-069), the *Lider Maximo* (overall leader) of the EPB-*Macheteros*, made an unspecified threat regarding planned EPB actions to occur on July 25, 1998. Although no attack did in fact take place, the threat may portend events for the future.

U.S. Department of Justice

Federal Bureau of Prisons

EXHIBIT 14

Washington, DC 20534

November 24, 1999

Mr. James C. Wilson, Chief Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Wilson:

This is in response to your question as to when the Federal Bureau of Prisons first provided to the Office of Legislative Affairs in the Department of Justice a copy of the joint BOP/FBI "Threat Assessment" of FALN inmates. We have been working with the Office of Legislative Affairs (OLA) on the FALN matter since just after clemency was granted. Since early September, we have been sending materials over to OLA for review and forwarding to Congressional Members and committees in response to letters and subpeonas.[1] While we have not kept records (such as the fax transmittal sheet) of each document sent, we are certain that the FALN threat assessment was one of the first documents sent to OLA, and that it was done so in connection with preparing testimony for the September 21st hearing held by the Committee on Government Reform. I cannot provide you with a precise date, but I am certain that the FALN threat assessment was sent to OLA sometime around the 21st of September.

If you need additional information please let me know.

Sincerely,

Thomas R. Kane

Thomas R. Kane
Assistant Director for
Information, Policy and
Public Affairs

[1]In many cases we were not certain whether particular documents were responsive and/or releasable. We sent the documents, such as the threat assessment, to OLA for their review and judgment as to what would be forwarded to Congress.

LA LIGA:
Liga Internacional por los Derechos y la Liberación de los Pueblos
Intérnational League for the Rights and Liberation of Peoples
c/o 1180 N. Milwaukee Ave., Chicago, IL 60622
(312) 235-0070

EXHIBIT 15

Director
Dr. Francisco Torres Rivera
Coordinator
Luis Nieves-Falcón, Esq.

June 21, 1995

Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, D.C.

I think he's the real organizer of the campaign.

Re: Puerto Rican political prisoners

Dear Mr. President:

As you may be aware, the campaign for the release of the fifteen Puerto Rican women and men in United States prisons made formal application to you in November of 1993 asking you to exercise your Constitutional power of pardon to grant them immediate and unconditional release from custody. Now that most of these prisoners have served more than fifteen years in prison, the campaign has been gaining more and more popular support. Thousands of letters have been sent to the White House calling for their release.

We write today to send you a request signed by artists from the U.S. as well as other countries, calling for their release. These artists were especially moved to make this request because one of the prisoners happens to be an artist--Elizam Escobar--whose painting and writing, done from inside prison, they know and respect. We enclose as well a catalogue of Escobar's work.

You will undoubtedly recognize some of the signators, such as John Berger, writer and critic from France; Marilyn Martin, director of the National Gallery of South Africa; Pavel Buchler, Head of Fine Art at the Glasgow School of Art; Felipe Ehrenberg, Mexican artist and writer; Michael Eric Dyson, writer and professor at the University of North Carolina; Homi Bhabha, literary and cultural theorist at the University of Chicago; Coco Fusco, visual and performing artist and Mellon Fellow at the California Institute for the Arts; Michael Brenson, art historian and critic; and so many others. The art community is continuing to collect signatures on this call.

We hope you will consider this expression from the art community in arriving at your decision.

Very truly yours,

Luis Nieves Falcón

Dr. Luis Nieves Falcón
Coordinator

CL 15259