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Exact duplicates within this folder were not digitized.

*to file
3/10/75
no ans
now required Pardon*



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4 WHD079 WAF100(1123)(1-011414C254)PD 09/11/74 1122
5 TWX GOV OFC LSG
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7 0296 LANSING, MI 9-11-74
8 PMS THE HONORABLE GERALD R. FORD
9
10 PRESIDENT OF THE UNITED STATES
11 THE WHITE HOUSE
12
13 WASHINGTON, D.C.



SEP 15 AM 10 05
1974

14
15
16 I BELIEVE YOU DESERVE THE CONTINUING SUPPORT OF THE AMERICAN PEOPLE
17 FOR YOUR COURAGEOUS AND DECISIVE LEADERSHIP, BUT I PERSONALLY
18 BELIEVE IT WOULD BE TOO SOON AND TOO SWEEPING TO PARDON ALL OF THOSE
19 INVOLVED IN WATERGATE AS YOU ARE REPORTED TO BE CONSIDERING.
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23 GOVERNOR WILLIAM G. MILLIKEN
24 NNNN
25
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THE WHITE HOUSE

WASHINGTON

September 12, 1974

MEMORANDUM FOR: JAY FRENCH

FROM: SKIP WILLIAMS *SW*

Subject: Incoming Telegram from
Ira Kaufman, Veterans Administration
Hospital, in regard to Inmate
Jack M. Jacobs

This telegram appears to be an information copy for the President. The Veterans Administration cannot identify Ira Kaufman as being associated with any of their hospitals.

Their office in Florida recently received a telephone call purportedly from the Public Defender's Office in Miami. They were told that the Governor had given permission for Jack Jacobs to go to Walter Reed. They had no idea why they were given this information, and they were not asked to do anything.

I think we should just send the telegram and my memo to Central Files.



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Roger Semerad

The White House
Washington

074 SEP 7 AM 9 42



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WHA110(2241)(2-050444E249)PD 09/06/74 2241

1974 SEP 6 PM 11 32

ICS IPMBNGZ CSP

3053254455 TDBN MIAMI FL 67 09-06 1041P EDT

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC

DEAR SIR IN REGARD TO INMATE JACK M JACOBS WE HAVE INFORMED
YOU THAT DUE TO HIS CONDITION HE IS TO HAVE OPEN HEART SURGERY
AT WALTER REED HOSPITAL AT GOVERNMENT EXPENSE AND YOU WILL DO
NOTHING TO RELEASE HIM TO THEIR CUSTODY THEREFORE WE ARE CONTACTING
CONGRESSMAN CLAUDE PEPPER GOVERNOR RUBEN ASKEW AND PRESIDENT
GERALD FORD INMATE IS AT DADE COUNTY JAIL MIAMI FL

IRA KAUFMAN CHIEF CARDIOLOGIST VETERANS ADMINISTRATION HOSPITAL

NNNN



ATED BY THE VANUPO RESSUR R...

68

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

The announcement yesterday by Mr. Hushen concerning study of the entire matter of Presidential clemency and pardons was prompted by inquiries to the White House Press Office concerning Mrs. John Dean's reported statement in reference to pardoning of her husband and similar public statements on behalf of others.

Such a study is, of course, made for any request concerning pardon of an individual.

However, no inference should be drawn as to the outcome of such study in any case. Nor is my pardon of the former President, under the unique circumstances stated by me in granting it, related to any other case which is or may be under study.

#



Wednesday 9/11/74



10:50 Bill Hundley, John Mitchell's counsel, would appreciate a call.

833-3583

Returned call & assured him
to take no encouragement
about any possibility of
pre-trial action for any
def. in this case.

J.W.B

9/12/74

Dean
John



THE WHITE HOUSE
WASHINGTON

September 9, 1974

TO: Phil Buchen

FROM: Jack Hushen

Phil Jones of CBS tells me that Maureen Dean is in town to try to see the President to request a pardon for her husband.

*Noted
J. W. B.*



Pardons

Wednesday 8/21/74

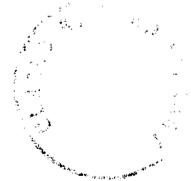
10:05 Catherine Burnup -- Office of the Pardon Attorney, 739-2894
Department of Justice -- called.

She said Lawrence M. Traylor talked with Mr. Chapman this morning about having new forms printed with President Ford's name on them -- they will be for grants of executive clemency (it is a master warrant).

When they made up the forms for former President Nixon, they dropped Mr. Nixon's middle ^{initial} ~~name~~ at his request.

They are asking how President Ford wishes to have the forms printed.

Eva



Pardons

Friday 9/13/74

10:30 John Carlson is calling again from the Press Office;

has researched the press briefing of Hushen on the subject of whether a pardon for John Connolly is under study or consideration here or at the Justice Dept. Hushen answered "to my knowledge it is not under consideration here but you might ask the Pardon Attorney at the Justice Dept. "

If that information has changed, they would like to know ----- or guidance for what to say.

Press Briefing is due at 11 o'clock.



ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01315

Collection/Series/Folder ID : 001900400
Reason for Withdrawal : DR,Donor restriction
Type of Material : COR,Correspondence
Creator's Name : Egan, John J.
Receiver's Name : Buchen, Philip
Description : Personal matter.
Creation Date : 09/19/1974
Date Withdrawn : 06/28/1988

Eva: Please Xerox pp. 62-64
& memo from Taylor for
my file on "Pardons"
& return to Dudley C.

For filing P.

attached



Log
209

United States Department of Justice

Office of the Pardon Attorney

Washington, D.C. 20530

September 20, 1974

MEMORANDUM FOR
DUDLEY CHAPMAN
ASSOCIATE COUNSEL TO THE PRESIDENT

Re: Letter from John H. Hallowell

As requested in your memorandum of September 16, 1974 there is submitted herewith a draft letter for your signature in reply to John H. Hallowell's letter to the President of September 9, 1974 seeking a pardon for his son.

Your memorandum also requested a recommendation as to how the regulations might be modified so that we could be responsive in worthy cases. It has always been my opinion that the Attorney General may waive the regulations governing Executive clemency in appropriate cases although I am not aware of any significant instance of the exercise of this authority during my period as Pardon Attorney. Moreover, those sections of the regulations which provide the eligibility requirements for applying for pardon and for commutation of sentence (paragraphs 1.3 and 1.4 of attached rules) are not cast in mandatory terms and would seem clearly to permit a departure from the usual requirements. Indeed, we rarely hold an applicant to the eligibility requirements with respect to petitioning for commutation of sentence and regularly consider almost all commutation petitions filed.

In view of the foregoing, I do not consider an amendment of the rules necessary. However, at the suggestion of the Deputy Attorney General's office we have drafted for consideration by that office a rule which would expressly authorize the Attorney General to waive any of the rules for good cause.

Lawrence M. Traylor

Lawrence M. Traylor
Pardon Attorney



§ 0.191 Continuance in effect of the existing organization of departmental units.

The existing organization of each organizational unit with respect to sections and subunits shall continue in full force and effect until changed in accordance with this Subpart AA.

Subpart CC—Jurisdictional Disagreements

§ 0.195 Procedure with respect to jurisdictional disagreements.

Any disagreement between or among heads of the organizational units as to their respective jurisdictions shall be resolved by the Attorney General, who may, if he so desires, issue an order in the numbered series disposing of the matter.

§ 0.196 Procedure for resolving disagreements concerning mail or case assignments.

When an assignment for the handling of mail or a case has been made by the Records Administration Office through established procedures and the appropriate authorities in any organizational unit of the Department disagree concerning jurisdiction of the unit for handling the matter or matters assigned, the Records Administration Officer shall refer the disagreement, together with a statement of the view of the unit or units involved, to the Assistant Attorney General for Administration for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

PART I—EXECUTIVE CLEMENCY

Sec.

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

Authority: The provisions of this Part 1 issued under U.S. Const., Art. II, sec. 2, and authority of the President as Chief Executive.

Source: The provisions of this Part 1 contained in Order No. 288-62, 27 F.R. 11002, Nov. 10, 1962, unless otherwise noted.

CROSS REFERENCE: For Organization Statement, office of the Pardon Attorney, see Subpart G of Part 0 of this Chapter.

§ 1.1 Submission of petition; form to be used.

Persons seeking Executive clemency, by pardon or by commutation of sentence, including remission of fine, shall execute formal petitions therefor which shall be addressed to the President of the United States and which, except those relating to military or naval offenses, shall be submitted to the Attorney General of the United States. Appropriate forms for such petitions will be furnished by the Department of Justice, Washington, D.C., upon application therefor. Forms for petition for commutation of sentence may also be obtained from the warden of Federal penal institutions. Forms furnished by the Department of Justice for use in pardon cases may be used by petitioners in cases relating to the forfeiture of veterans' benefits, with appropriate modifications. A petitioner applying for Executive clemency with respect to military or naval offenses should submit his petition directly to the Secretary of the military department which had original jurisdiction over the court-martial trial and conviction of the petitioner. In such instance, a form furnished by the Department of Justice may be used but should be modified to meet the needs of the particular case.

§ 1.2 Contents of petition.

Each petition for Executive clemency should include: The name and age of the petitioner; the court, district, and State in which he was convicted; the date of sentence; the crime of which he was convicted; the sentence imposed; the date he commenced service of sentence; and the place of confinement. In the case of a petition for pardon, the petitioner should also state his age at the time of commission of the offense; the date of release from confinement; whether he is a citizen of the United States or an alien; his marital status; his prior and subsequent criminal record, if any; his employment since conviction; and his place of residence. A petition may be accompanied by endorsements. It is desirable that all applications for pardon be accompanied by at least three character affidavits.



§ 1.3 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least three years subsequent to 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 three years subsequent to the date of the conviction of the petitioner. In some cases, such as those involving violation of narcotic laws, income tax laws, perjury, violation of public trust involving personal dishonesty, or other crimes of a serious nature a waiting period of five years is usually required. In cases of aliens seeking a pardon to avert deportation, the waiting period may be waived. Generally, no petition should be submitted by a person who is on probation or parole.

§ 1.4 Eligibility for filing petition for commutation of sentence.

A petition for commutation of sentence, including remission of fine, should be filed only if no other form of relief is available, such as from the court or the United States Board of Parole, or if unusual circumstances exist, such as critical illness, severity of sentence, ineligibility for parole, or meritorious service rendered by the petitioner.

§ 1.5 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 thereof should be submitted to the appropriate official or agency of the possession or territory concerned.

§ 1.6 Disclosure of files.

Reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for Executive clemency shall be available only to officials concerned with the consideration of the petition: *Provided*, That they may be open to inspection by the petitioner or by his attorney or other representative if, in the opinion of the Attorney General or his representative, the disclosure sought is required by the ends of justice.

§ 1.7 Consideration of petitions by the Attorney General; recommendations to the President.

(a) Upon receipt of a petition for Executive clemency, the Attorney General shall consider that petition and cause such investigation to be made with respect thereto as he may deem appropriate and necessary, using the services of, or obtaining reports from appropriate officials and agencies of the Government, including the Federal Bureau of Investigation, to the extent deemed necessary or desirable.

(b) The Attorney General shall review each petition and all pertinent information developed by his investigation thereof and shall advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President.

(c) If he determines that the request merits favorable action by the President, he shall submit the petition to the President together with a warrant prepared for the signature of the President granting the clemency recommended by the Attorney General.

(d) If he determines that the petition and information developed by his investigation do not, in his judgment, merit favorable action by the President, he shall provide the President with a concise statement enumerating the essential facts concerning the petitioner, the petition, and his reasons for recommending denial of clemency.

§ 1.8 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his 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 place of confinement, or directly to the petitioner if he is on parole.

§ 1.9 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he is denying a request for clemency, the Attorney General, or at his direction the Pardon Attorney, shall so advise the petitioner and close the case.

(b) 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 thirty 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, or at his direction the Pardon Attorney, shall so advise the petitioner and close the case.

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

- Sec.
- 2.1 Definitions.
- 2.2 Eligibility for parole, regular adult sentences.
- 2.3 Same; adult indeterminate sentences.
- 2.4 Same; juvenile delinquents.
- 2.5 Same; committed youth offenders.
- 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.
- 2.7 Same; sentences under the gun control statute.
- 2.8 Same; sentences of six months or less followed by probation.
- 2.9 Study prior to sentencing.
- 2.10 Date service of sentence commences.
- 2.11 Application for parole.
- 2.12 Hearing procedure.
- 2.13 Initial hearing.
- 2.14 Review hearings.
- 2.15 Petition for consideration of parole prior to date set at hearing.
- 2.16 Parole of prisoner in state or territorial institution.
- 2.17 Original jurisdiction cases.
- 2.18 Granting of parole.
- 2.19 Consideration by the Board.
- 2.20 Paroling policy guidelines; statement of general policy.
- 2.21 Reports considered.
- 2.22 Communication with the Board.
- 2.23 Delegation to hearing examiners.
- 2.24 Review of panel decision by the Regional Director and the National Appellate Board.
- 2.25 Appeal of hearing panel decision.
- 2.26 Appeal to National Appellate Board.
- 2.27 Appeal of original jurisdiction cases.
- 2.28 Reopening of cases.
- 2.29 Withheld and forfeited good time.
- 2.30 Release; modification of release date.
- 2.31 False or withheld information.
- 2.32 Committed fines.
- 2.33 Parole to detainers; statement of policy.
- 2.34 Parole to local or immigration detainers.
- 2.35 Mental competency proceedings.
- 2.36 Release plans.
- 2.37 Release on parole; statement of policy.
- 2.38 Sponsorship of parolees; statement of policy.

- Sec.
- 2.39 Mandatory release in the absence of parole.
- 2.40 Same; youth offenders.
- 2.41 Reports to police departments of names or parolees; statement of policy.
- 2.42 Community supervision by United States Probation Officers.
- 2.43 Duration of period of community supervision.
- 2.44 Conditions of release.
- 2.45 Travel by parolees and mandatory releasees.
- 2.46 Supervision reports, modification and discharge from supervision.
- 2.47 Modification and discharge from supervision; youth offenders.
- 2.48 Setting aside conviction.
- 2.49 Revocation of parole or mandatory release.
- 2.50 Same; youth offenders.
- 2.51 Unexpired term of imprisonment.
- 2.52 Execution of warrant; notice of alleged violations.
- 2.53 Warrant placed as a detainer and dispositional interview.
- 2.54 Revocation by the Board, preliminary interview.
- 2.55 Local revocation hearing.
- 2.56 Revocation hearing procedure.
- 2.57 Confidentiality of parole records.

Authority: 18 U.S.C. 42101-4210, 5001-5037; 28 CFR Part O, Subpart v.

Source: 39 FR 20028, June 5, 1974, unless otherwise noted.

§ 2.1 Definitions.

(a) For the purpose of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman, and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part O, Subpart V of Title 28 of the Code of Federal Regulations.

§ 2.2 Eligibility for parole, regular adult sentences.

Except as set out in the following sections, a federal prisoner wherever confined and serving a definite term or

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01316

Collection/Series/Folder ID : 001900400
Reason for Withdrawal : DR, Donor restriction
Type of Material : COR, Correspondence
Creator's Name : Buchen, Philip
Receiver's Name : Jochuowitz, Rose
Description : Personal matter.
Creation Date : 09/25/1974
Date Withdrawn : 06/28/1988

September 26, 1974

MEMORANDUM FOR:

**LAWRENCE TRAYLOR
PARDON ATTORNEY
DEPARTMENT OF JUSTICE**

FROM:

**PHILIP W. BUCHEN
COUNSEL TO THE PRESIDENT**

The enclosed letter from George W. Latimer, attorney for Lt. William Calley, Jr. arrived after we forwarded earlier correspondence in this case.

Attachment



September 26, 1974

*Pardons
Liddy, W. Gordon*

Dear Congresswoman Holt:

I have received the telegram from Mrs. G. Gordon Liddy, which you recently forwarded to the President.

All requests for executive clemency are being referred to the Pardon Attorney at the Department of Justice for normal processing on a case by case basis. You might wish to contact Mrs. Liddy and inform her of this.

I thank you for sending the telegram.

Most sincerely yours,

**Phillip W. Buchen
Counsel to the President**

**The Honorable Marjorie S. Holt
House of Representatives
Washington, D. C. 20515**

bcc: William Timmons



THE WHITE HOUSE
WASHINGTON

Date 9-20-74

TO: PHIL BUCHEN

FROM: WILLIAM TIMMONS

FOR YOUR INFORMATION _____

FOR YOUR COMMENTS _____

FOR APPROPRIATE HANDLING _____

OTHER

?



MARJORIE S. HOLT
4TH DISTRICT, MARYLAND

1510 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
202-225-8090

COMMITTEE:
ARMED SERVICES

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 19, 1974

SEP 20 1974

Mrs. G. Gordon Liddy
9310 Ivanhoe Road
Oxon Hill, Maryland
20022

Dear Mrs. Liddy:

This is to confirm that I have received the telegram in which you requested that I ask President Ford to pardon your husband.

I will convey your message to the President.

If I can help you or your family, I will be glad to do so.

With all good wishes, I am

Sincerely yours,

5/

Marjorie S. Holt
Member of Congress

MSH/c





Telegram

IPMWAHT HSA
2-075335E253 09/10/74
ICS IPMHTZZ CSP
3015673607 POM TDMT OXENHILL MD 13 09-10 1112P EDT
PMS CONGRESSWOMAN MARJORIE S HOLT
CAPITOL ONE DC

MSA -

YOU ARE MY CONGRESSWOMAN PLEASE ASK PRESIDENT FORD TO PARDON
MY HUSBAND THANKYOU
MRS G GORDON LIDDY 9310 IVENHOE ROAD OXENHILL MARYLAND 20022

23:12 EDT

IPMWAHT HSA



Rumsfeld

THE WHITE HOUSE
WASHINGTON

October 1, 1974

MEMORANDUM FOR: PHIL BUCHEN
FROM: DON RUMSFELD *[Signature]*
Subject: Matters Dealing with Watergate Defendants

I would like to remain entirely removed from any discussions concerning pardons or other issues relating to any and all (in the broadest sense) Watergate defendants.

There are several reasons: first, I have a great deal of work to do; second, I served in the Nixon Administration and knew some of the individuals involved; third, such matters are primarily legal and the responsibility of the Counsel's office.

Accordingly, I will plan to stay out of any discussions of this subject matter.



ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01317

Collection/Series/Folder ID : 001900400
Reason for Withdrawal : DR, Donor restriction
Type of Material : COR, Correspondence
Creator's Name : Buchen, Philip
Receiver's Name : Bankston, Albert K.
Description : Personal matter.
Creation Date : 10/01/1974
Date Withdrawn : 06/28/1988

THE WHITE HOUSE
WASHINGTON

*Dean
John*

October 7, 1974

Dear Mr. Richman:

Thank you for your letter of September thirtieth, requesting copies of pardon applications on behalf of John Dean and Charles Colson.

It is the policy of this office not to make public applications of this kind which are indeed very personal and confidential. I would suggest that you contact the attorneys of these gentlemen to inquire whether they, with their clients' approval, will send you such copies.

I am sorry that I was unable to assist you in this matter.

Sincerely,

Philip W. Buchen
Counsel to the President

Mr. Steven Howard Richman
Chairman
Political Science, Sub-Committee
on the Watergate Affair
8735 Bay Parkway
Brooklyn, New York 11214



~~bcc: Mr. Lawrence Traylor - For your information
The Pardon Attorney~~

8735 Bay Parkway
Brooklyn, N.Y. 11214
September 30, 1974

Hon. Phillip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20000

Dear Sir,

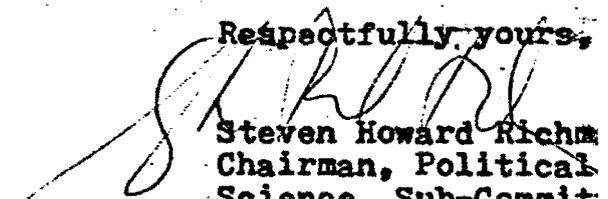
I am writing to you on behalf of my school's Political Science Club's Sub-Committee on the Watergate Affair, of which I am chairman.

We would like a copy of the pardon requests of John W. Dean, III and Charles W. Colson. Additionally, we would like the president's response through your office. As I know you have referred the matter to the Pardon Attorney of the Justice Department. I am forwarding a copy of this letter to him.

These documents would help us complete our record of "Watergate and Related Affairs". Your assistance is most appreciated.

Thanking you in advance for your kind considerations and cooperation I remain.

Respectfully yours,



Steven Howard Richman
Chairman, Political
Science, Sub-Committee
on the Watergate Affair

cc: Pardon Attorney
United States Department
of Justice
Committee Correspondence file



THE WHITE HOUSE
WASHINGTON

*Dean
John*

October 7, 1974

Dear Mr. Richman:

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I am sorry that I was unable to assist you in this matter.

Sincerely,

Philip W. Buchen
Counsel to the President

Mr. Steven Howard Richman
Chairman
Political Science, Sub-Committee
on the Watergate Affair
8735 Bay Parkway
Brooklyn, New York 11214



~~cc: Mr. Lawrence Traylor - For your information
The Pardon Attorney~~

8735 Bay Parkway
Brooklyn, N.Y. 112
September 30, 1974

Hon. Phillip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20000

Dear Sir,

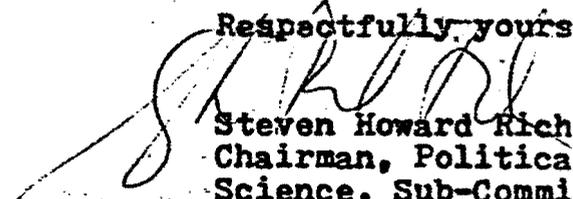
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Thanking you in advance for your kind considerations and cooperation I remain.

Respectfully yours


Steven Howard Rich
Chairman, Political
Science, Sub-Committee
on the Watergate A

cc: Pardon Attorney
United States Department
of Justice
Committee Correspondence file



November 4, 1974

*To the President
for the info
attached to
file*

Dear John:

Your letter to the President of October 18 was not received at the White House until November 1. I do want you to know the reason for the delay in this acknowledgment to you.

However, you may be assured it will be called to the President's early attention. I am sure your comments will be appreciated and given most careful consideration.

With kindest regards,

Sincerely,

Max L. Friedlander
Deputy Assistant
to the President

The Honorable John Dalzell
House of Representatives
Washington, D.C. 20515

cc: w/incoming to Philip Buchen - for your information.

MLF:KF:VO:rg



JOHN DELLENBACK
FOURTH DISTRICT, OREGON

COMMITTEE ON EDUCATION
AND LABOR
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS
JOINT COMMITTEE ON
CONGRESSIONAL OPERATIONS

Congress of the United States
House of Representatives
Washington, D. C.
October 16, 1974

WASHINGTON OFFICE:
FRED HANSEN
ADMINISTRATIVE ASSISTANT
1214 LONGWORTH HOB
WASHINGTON, D.C. 20515
(202) 225-6416

OREGON OFFICE:
DAVE LOHMAN
OREGON REPRESENTATIVE
1234 CARL STREET
EUGENE, OREGON 97401
(503) 687-6484

The Honorable Gerald Ford
President of the United States
The White House
Washington, D. C. 20500

Dear Mr. President:

BT
I wanted to drop you this note to thank you for the opportunity to meet and talk with you this past Thursday morning regarding the very serious economic problems faced by my Congressional District. I hope the information I presented will be of help to you.

The first of two points I did not touch upon but which I did want to write you about regards possible pardons for individuals involved in Watergate related crimes. I commend you for what I read your present stance to be as indicated by your referral back to the Department of Justice of Chuck Colson's request -- namely that there will be no additional pardons of any individuals associated with the Watergate affair. And although I disagreed with your pardon of former President Richard Nixon, that is an action which is past and surrounding which I fully appreciate your sincerity and forthrightness.

Personally, I believe very deeply that in special circumstances it is proper that pardons be used for the purpose of showing mercy relative to punishment. Pardons should not, however, I feel, be granted before guilt has been established, particularly when the full charges are not even known.

The second point deals with the detailing of Federal employees to be of assistance to the former President. Many of my constituents feel as I do that the expenditure of public dollars in this manner is justified when the public good is being served, as in the sorting of Presidential papers for the record of history. However, such expenditures cannot be justified, I believe when they are solely for the personal benefit of Richard Nixon in such forms as for maid and butler services. I ask that you take into account the extremely strong feelings which a great many of us have on this point, both as to the termination of the detail of those already assisting the former President and as to the refusal to assign any new Federal employees for such purposes.

Again, I appreciated the opportunity to meet with you this past Thursday and please accept my commendation for not entertaining consideration of the granting of any additional pardons in the Watergate affair.

Sincerely yours,

JOHN DELLENBACK
Member of Congress



JD:fbf

Pardons

Thursday 12/12/74

9:10 Jay said you wanted to be sure we would have the deed ready for the President's signature for the 40 pardons that are being reviewed -- prior to his leaving for Colorado.

He has checked with the Pardon Attorney and, unless you tell him to the contrary, the warrant for the pardons will be ready some time around noon of the 16th, which will give him several days in which to act.



Thursday 12/12/74

9:10 Jay said they use a warrant for the pardons and then make summaries of their cases. There are 40 cases that the Pardon Attorney has recommended for pardon. After reviewing all the cases, then he sends over a long deed. President signs.

Mr. Buchen indicated he wanted to be sure we got it in in time before the President leaves for Colorado on the 20th of December.

Jay has checked with the Pardon Attorney and, unless you tell him to the contrary, they will send the warrant for the pardons and will have them ready some time around noon of the 16th of December -- giving him until the 20th ;to act upon it.



I called 11/27 - Munsell
checked w/ Traylor also -
Tuesday 11/26/74

She'll get pardon, he won't.

2:40 Jay:

I had a call from Burl Munsell of St. Louis
who was quite concerned about Charles and
Anita Anderson (one is in the Fed. Penitentiary
at Terre Haute and the other at Alderson, W. Va.)
(One has had a heart attack)

(314) 961-5106

631 0100

He had just talked with Traylor's office; sent petition
to Nixon over two years ago.

(They had been in the real estate business and they
were accused of using mails to defraud; citizens of
the area are convinced that they should get out;
Mr. Munsell is trying to do all he can --- to no avail)

Could you call him, PLEASE!



Pardons

Thursday 12/12/74

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Pardons

Dec. 16, 1974

To: Bob Linder

From: Phil Buchen



Pardons

THE WHITE HOUSE

WASHINGTON

December 16, 1974

FOR: THE PRESIDENT
FROM: PHILIP W. BUCHEN *T.W.B.*
SUBJECT: RECOMMENDATIONS FOR
EXECUTIVE CLEMENCY

A master warrant is attached listing the names of all persons for whom Executive clemency is recommended by the Attorney General. I have reviewed a summary of each person's case and concur in these recommendations.

Attachment



Executive Grant of Clemency

After reviewing the applications for executive clemency of the following named persons, and giving consideration to a letter of the Attorney General recommending executive clemency in each case, they are hereby granted full and unconditional pardons:

Joseph George Abrusley, Jr.	Harry Joseph Homer
William George Adrian	Fred Norton Isaacs
James Wrenn Aiken	Kenneth Earl Johnson
Martin Robert Aucoin	Maurice Russell Karkowski
Timothy Richard Bailey	John Edward Lezan
Louis Alfred Bartolucci	Lester Leon Lilley
John Joseph Beaman	Forest Lowe
Albert Edward Becker	Virginia Lou Manly
James Ray Bicknell	(as Virginia Lou Mooneyham)
Ernest Cary Brace	Ronald Adolph Martin
Joel Henley Broom	Charles Henry Moses
Michael Boyd Carpenter	John Edward Murphy
Joseph John Cervone	Glen Ethen Myers
Daniel William Collins	Arthur Herbert Parker
Robert Houston Comer, Jr.	Jesse Riddle
Harold Robert Crawford	William Harold Rogers, Sr.
Monte Gene Davis	Royal Garnett Seay
Leslie Ernest Estes	(also known as Carl Smith
Myron William Feemster	and Jim Seay)
Manuel Joseph Fontes	Eugene Ernest Selg
(also known as	Errett Lamar Starks
Manuel Pereira)	James George Synodinos
Marlin Edward Ford	(also known as
Jack Frank Gambino	Jimmy "The Greek" Snyder)
Nathan Grossgold	Roy Edward Thompson
Roy Robert Haerer	Harry Claybourne Waddell, Jr.
Paul Neil Hancock	Nathaniel Wong, Jr.

and the sentence of Cleo Milburn Dickey is hereby commuted to expire at once and he is hereby granted a full and unconditional pardon; the unpaid portion of the fine imposed upon Edward Leroy Dozier is hereby remitted and he is hereby granted a full and unconditional pardon; so much of the unpaid portion of the fine imposed upon Philip Harold Cobert as may exceed ten thousand dollars (\$10,000) is hereby remitted; so much of the unpaid portion of the fine imposed upon Albert Kogus as may exceed ten thousand dollars (\$10,000) is hereby remitted; so much of the unpaid portion of the fine imposed upon Harry Kogus (also known as Harry Rockwell) as may exceed ten thousand dollars (\$10,000) is hereby remitted; the fine imposed upon Oliver Joseph Farrell is hereby remitted to the amount of fifteen thousand dollars (\$15,000); the sentence of Anita Anderson is hereby commuted to eight years' imprisonment; and the sentence of Sears Oscar Richardson is hereby commuted to eighteen years' imprisonment.

I hereby designate, direct and empower the Attorney General, as my representative, to sign each grant of pardon to the persons named herein.

The Attorney General shall declare that his 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
day of in the year of our Lord One Thousand Nine
Hundred and and of the Independence of
the United States the One Hundred and

Gerald R. Ford
President

I certify that there are ---fifty-five----- applications
for executive clemency granted herein.

Attorney General



THE WHITE HOUSE

WASHINGTON

March 24, 1975

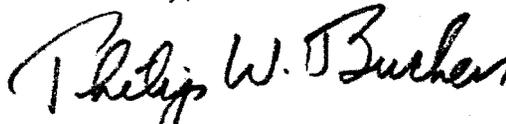
Dear Mr. Callanan:

This is in reply to your letter of September 23, 1974 requesting a waiver in your case of the usual waiting period required of applicants for pardon.

As you know, applications for pardon are processed by the Department of Justice in accordance with the rules governing petitions for Executive clemency (28 CFR §1.1--§1.9). Section 1.3 of the rules states that no petition for pardon should be filed until the expiration of a waiting period of at least three years from the date of the release of the petitioner from confinement. The rule further states that in cases involving the income tax laws a waiting period of five years is usually required.

I have been informed that the Department considered your request for a waiver of the usual five year waiting period and advised you in March 1974 that your request had been denied. However, your petition for pardon is on file in the Pardon Attorney's office and will be reactivated upon your request when you become eligible to apply.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. Robert J. Callanan
4601 Roland Avenue
Baltimore, Maryland 21210



THE WHITE HOUSE

WASHINGTON

March 6, 1975

Dear Mrs. Stubblefield:

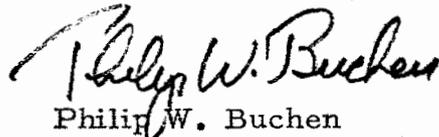
Thank you for your letter of February 25 to the President regarding Executive clemency for Joseph W. Alton, Jr.

Executive clemency is only considered upon formal application by the person who has been convicted. I have been informed by the Pardon Attorney at the Department of Justice that no petition has been filed by Mr. Alton.

You may be assured that if he files a petition for clemency, it will be given every consideration in accordance with existing guidelines.

Your inquiry is appreciated.

Sincerely,



Philip W. Buchen
Counsel to the President

Mrs. Ellen Stubblefield, Chairwoman
Board of Directors
The Teen Teen for the Betterment of America, Inc.
Adams Morgan-Cardozo Areas
4704 Seventeenth Street, N.W.
Washington, D. C. 20011



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JF-1

THE TEEN TEEN FOR THE BETTERMENT OF AMERICA, INC.
ADAMS MORGAN-CARDOZO AREAS
4704 SEVENTEENTH STREET, NORTH WEST, WASHINGTON, D.C. 20011

February 28, 1975

To The President of the United State
1700 Pennsylvania Avenue, NW
Washington, D.C.

Dear Mr. President:

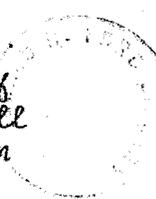
We, the members of the Teen Teens and Teen Tots for the Betterment of America, Inc., serving over 800 underprivileged children and their families in the District of Columbia, Maryland and Virginia areas, would be very happy if you, as President of the United States, would intercede in behalf of and seek pardon for the Honorable Joseph W. Alton, Jr., now serving time in prison in Allentown, Pennsylvania. He was formerly County Exective for Anne Arundel County, Maryland.

The reason for this urgent request is that Joseph W. Alton is badly needed in this community, not only as a family man, but by the underprivileged children and their families, for whom he has contributed and played such an important role in their lives.

Since 1968, in his personal generosity, he has played host to over 35 African countries each year, extending to them an international picnic, with all the trimmings, on the Chesapeake Bay. Attached is a list of those countries represented, including Ambassadors from African countries and developing nations.

In his personal life, he is not a wealthy man, therefore, he was unable to fight his conviction. He is the only support of an aged mother, he has a granddaughter born with only one arm, whom he must take care of, and she is completely without will to live without her grandfather.

As one who has done so much for so many people, we beg and beseech you, as president of this great United States, and aware of your humanitarian and religious background, we feel sure that you will want to take some beneficial action in behalf of another humanitarian and selfless, dedicated American.



1incl

Respectfully,
Ellen Stubblefield
ELLEN STUBBLEFIELD, Chairwoman
Board of Directors

UNITED NATIONS, N.Y. (AP) — If U.N. military observers go to Vietnam or Biafra to oversee any cease-fire, should they report to the secretary-general as they do now or to a committee of the Security Council?

The United States wants them to be directed by the secretary-general. The Soviet Union wants them to be responsible to the Security Council.

The disagreement surfaced today in proposals to the U.N. Special Committee on Peacekeeping Operations which is drafting guidelines for observers. It will have to be resolved before the committee's report is prepared Aug. 18 for the General Assembly.

The U.S. working paper calls for "a clear line of control from the authorizing political organ," the council, "through the secretary-general to the field."

This is the system under which U.N. observers on the cease-fire lines in the Middle East now operate, with Norwegian Lt. Gen. Odd Bull reporting to Secretary-General U Thant.

But the Soviet Union wants a change, remembering its 1960-61 dispute with former Secretary-General Dag Hammarskjold over the U.N. peacekeeping force in the Congo.

The Soviets said: "The general direction of the observers shall be carried out by the Military Staff Committee of the Security Council." Their working paper added that the council also should establish a special organization directly subordinate to it "for the direction of the operations of its military observers."

In addition, it recommended "balanced political and equitable geographical representation" in the military observer groups to include Soviet-bloc countries.

Yugoslavia, classified here as nonaligned, is the only Communist nation that has had men in any of the six U.N. observation missions sent to world trouble spots. Two of the six are still operating the one in the Middle East, and one in India and Pakistan, both formed in 1949.

Advertisement

SCOUT DRIVE — Members of the Boy Scout fund raising committee, from left, John R. Barton, David D. Unger, chairman, James O. Olsson and N. A. Miller Jr., discuss plans for the new fund drive. The men are seeking new members to help support the local Boy Scout troops.

Alton to host ambassadors of developing African nations

By MARY KNUDSON
Staff Writer

County Executive Joseph W. Alton Jr. is stepping into international politics.

Alton, who would like to be the official host of the executive mansion in 1970, will host an international picnic July 26 to which ambassadors of 30 developing African nations have been invited.

Now billed as a Saturday afternoon picnic at the Oyster Harbor home of Mrs. Ellen M. Stubblefield on the Chesapeake Bay, guests are instructed to wear "beach apparel."

But Alton indicates he would also like to show the diplomats around Arundel Center and give them a tour of the county detention center.

"I think it would certainly be interesting to me and educational to have the opportunity to meet with these leaders from other countries and communicate with them on how local government is administered in a suburban area," said Alton, who has just returned to work after undergoing minor surgery.

"It's the kind of thing that people in positions like mine should do," he added, when asked why he's hosting the affair.

Alton said that "Sometimes they (diplomats) get lost in Washington" and the visit to

Anne Arundel County would give them the opportunity to "see what the country's really like."

He said the two-way communication would benefit him and also "should have a good effect on them and on what they carry back with them."

Mrs. Stubblefield, a legal stenographer for Harry Diamond Laboratories in Washington, who said she is involved in highly classified military work, also maintains a Washington residence.

She said this is her fifth international picnic — the largest was 1965 when 13 countries were represented — and this year she thought it would be appropriate if the county executive served as the official host.

Mrs. Stubblefield said many of the diplomats are her neighbors, and she takes them shopping, introduces them to schools and "I try to teach them some of the things we as Americans do."

She said she has found the thing that most interests members of the Washington diplomatic corps is the "progress of Americans."

She has taken some of her diplomatic friends on a tour of the south, and also takes them shopping in New York, she said.

The list of countries invited to the Alton affair is:

Botswana, Chad, Congo, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Guyana, Ivory

Coast, Kenya, Lesotho, Liberia and Malagasy Republic.

Also Malawi, Mali, Malta, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somali, Swaziland, Tanzania, Togo, Uganda and Zambia.

Mrs. Stubblefield said that in addition to the ambassador or charge d' affaires of each embassy, the next highest three officials will receive invitations. Mayor Walter E. Washington and other Washington judicial and government figures are also to be invited, she said.

AUGUS

Fir Coo

When you open

Mrs. Nixon

THE WHITE HOUSE
WASHINGTON

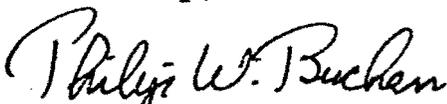
November 17, 1976

Dear Mr. Horton:

In behalf of the President, I acknowledge receipt of your letter to him concerning your son-in-law, Mr. H. R. Haldeman.

All requests for executive clemency are required to be prepared and filed in accordance with applicable regulations appearing in the Federal Code of Regulations and must go initially to the Attorney General who reviews the requests before they are submitted to the President. Moreover, the request must come from the individual affected and not someone acting in his behalf. Accordingly, I would suggest that you take this matter up with your son-in-law who in turn must be guided by the existing regulations.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. Joseph Kurtz Horton
5670 Wilshire Boulevard
Los Angeles, California 90036

Handwritten notes:
Horton
Haldeman
11/17/76
(see Horton's
copy Kurtz)

THE WHITE HOUSE
WASHINGTON

December 21, 1976

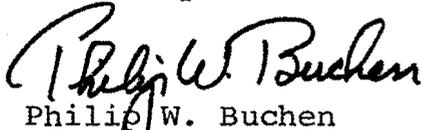
Dear Mr. Colson:

In behalf of the President, I acknowledge your letter to him of December 14 concerning Mr. Gordon Liddy.

The matter you refer to is pending at the Department of Justice in the Office of the Pardon Attorney. There it awaits a determination to be made by the Attorney General on whether or not to recommend executive clemency.

If and when the recommendation is received for consideration by the President, I will see that your letter is called again to the attention of the President.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. Charles W. Colson
2817 Woodland Drive, N. W.
Washington, D. C. 20003

Pardon

NOV 22 1976

December 14, 1976

Dear Mr. President,

For obvious reasons I have deliberately refrained from any contact with you or your staff since you assumed the Presidency. There is one matter, however - the case of Gordon Liddy - which weighs so heavily on my heart that I feel compelled to write.

I have spent the past twenty months working in prisons and with prisoners. While my concern has been solely with spreading the Gospel and encouraging the growth of Christian fellowship behind prison walls, I have not been insensitive to the injustices in the prison system. Professor Norville Morris has eloquently argued that the single greatest cause of the pervasive bitterness which exists in the prisons of America is the gross disparity of sentences - the inequality of justice which is meted out in our system. Society cannot inculcate justice in the hearts of its offenders when those offenders are forced to live in the midst of gross injustice. This is the biggest hindrance to rehabilitation; it cries out for reform.

Gordon Liddy is the most egregious example of injustice in America's prisons today. Countless prisoners have cited the Liddy case; "how can you tell us to be law abiding citizens, to respect a system which punishes a first offense of Breaking and Entering with twenty years and gives a rapist five years" is the common refrain. Liddy is a living mockery of our system. I have no personal brief for Liddy. I have only met him three times in my life, once when I visited him in prison, and I find some of his political views frightening. But what is more frightening than Liddy's politics is the fact that in our free society a man can be imprisoned for twenty years because he holds unorthodox views, is a political extremist, or was involved in a celebrated political scandal. No one

Mr. President
Page Two
December 14, 1976

has argued that Liddy's sentence is fair in the light of the offense or the time served by others involved in Watergate, myself included. It would be politically unpopular to free him from prison. But who is to say tomorrow that he might not be an "unpopular prisoner"?

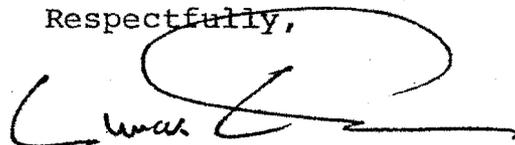
The old cliché, "justice perceived is justice achieved" argues that Liddy, a "Watergate scoundrel", should be kept in prison. I cannot think of a more dangerous precedent when one man's liberty is sacrificed to placate public opinion. God help us if, in these days of an enormously powerful media, public opinion becomes the determinant of justice.

I do not ask you to do anything, Mr. President, other than to commit this to prayer. You have the opportunity, before leaving office, to remedy a great human injustice. Your advisors will tell you not to but I earnestly pray that you will find the courage and the strength through the Almighty to do what you believe is right.

Whatever you decide, you have my respect and prayers. May you be richly blessed in the years ahead and continue in a variety of ways to serve the nation as you have done so admirably for so long.

Best personal regards.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles W. Colson". The signature is written in a cursive style with a large, looping initial "C".

Charles W. Colson

LuVe 4:18

The President
The White House
Washington, D.C.

THE WHITE HOUSE
WASHINGTON

Pardon

December 21, 1976

MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN *P.*

As you have requested, I have talked to Daniel Schultz in regard to the letter which he wrote you in behalf of four of the defendants in the Watergate case.

I think I convinced him that at this time he should be dealing only with the Pardon Attorney's Office at the Department of Justice and that it would be inappropriate for us to urge expedited consideration of this particular application for a pardon when there are many other deserving applications that are also being processed by the Pardon Attorney.

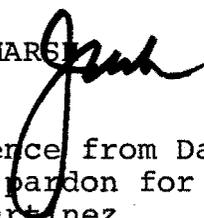


THE WHITE HOUSE

WASHINGTON

December 17, 1976

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH 

The attached correspondence from Daniel Schultz involves a Presidential pardon for Messrs. Barker, Sturgis, Gonzalez and Martinez.

I would greatly appreciate your contacting Mr. Schultz directly.

Many thanks.

THE WHITE HOUSE

WASHINGTON

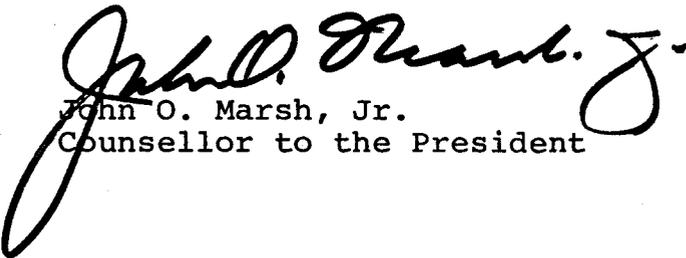
December 17, 1976

Dear Mr. Schultz:

Many thanks for your recent letter in reference to your clients Messrs. Barker, Sturgis, Gonzalez and Martinez.

The Counsel's Office here at the White House handles all matters concerning pardons. Consequently, I have forwarded your letter and the attachment to Mr. Philip Buchen, Counsel to the President. I am sure you will be hearing from Mr. Buchen's Office in the near future.

Sincerely,



John O. Marsh, Jr.
Counsellor to the President

Mr. Daniel E. Schultz
1990 M Street, Northwest
Washington, D. C. 20036



LAW OFFICES
DANIEL E. SCHULTZ, CHARTERED
1990 M STREET, N.W.
WASHINGTON, D. C. 20036

(202) 223-4007

DANIEL E. SCHULTZ
JOHN BENJAMIN DUNN
MELINDA GRAY MURRAY

OF COUNSEL
DAVID M. KANTER

December 16, 1976

Honorable John O. Marsh, Jr.
Counselor to the President
The White House
Washington, D.C. 20500

Dear Mr. Marsh:

We are counsel for Messrs. Bernard L. Barker, Frank Sturgis, Virgilio Gonzalez, and Eugenio Martinez, four of the seven defendants in the original Watergate case. We are writing to advise you that Petitions for Pardon on behalf of each of our clients for their convictions in that case are being filed with the Justice Department in the hope that the President will favorably consider our clients' petitions in connection with the pardons traditionally granted by him at Christmas.

For your information, our clients do not technically meet the three-year minimum requirement established by the Justice Department for processing Petitions for Pardon. With respect to Messrs. Barker and Sturgis, the three-year period since the end of their incarceration will be met in January, 1977. Messrs. Martinez and Gonzalez will meet the three-year requirement in March, 1977.

We are, however, hopeful that the President will nevertheless consider our clients' petitions at this time because they are so close to satisfying the time requirement and because of the unusual circumstances surrounding their convictions in the Watergate case. In this connection, enclosed is a copy of the supplemental statement we have submitted in support of our clients' petitions which outlines the reasons why we believe the petitions should be granted.

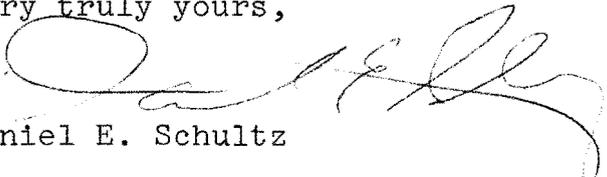
We are aware that the other three defendants in the original Watergate case, Messrs. Hunt, Liddy, and McCord plan to submit petitions for pardon or for commutation of their sentences. We recognize that there are a number of reasons why all seven of the petitions might be considered together. However, we strongly believe that in many respects our clients are in a completely different category than the other three defendants and that the reasons in support of their petitions, as outlined in the enclosed statement, are unique to them. Accordingly, in the event any or all of the other three petitions are not favorably considered by



Page 2

the President for action at this time, we would still respectfully urge the President to approve the petitions of Messrs. Barker, Martinez, Sturgis and Gonzalez.

Very truly yours,


Daniel E. Schultz

DES/kr
Enclosure



LAW OFFICES
DANIEL E. SCHULTZ, CHARTERED
1990 M STREET, N.W.
WASHINGTON, D. C. 20036

(202) 223-4007

DANIEL E. SCHULTZ
JOHN BENJAMIN DUNN
MELINDA GRAY MURRAY

OF COUNSEL
DAVID M. KANTER

SUPPLEMENTAL STATEMENT OF REASONS IN SUPPORT OF
APPLICATION FOR PARDON BY BERNARD L. BARKER,
EUGENIO R. MARTINEZ, VIRGILIO R. GONZALEZ, AND FRANK A. STURGIS

Our representation of Messrs. Barker, Martinez, Gonzalez and Sturgis began in January, 1973, three weeks after they entered their guilty pleas in the original Watergate case, and continued for almost four years until October, 1976 when, following reversal of Messrs. Barker and Martinez' conviction in the case of United States v. Ehrlichman, et al., the Special Prosecutor's office moved to dismiss the charges pending against those two men. We are presenting this additional statement in support of their application for a pardon in order to summarize what we consider to be the unique circumstances that strongly support granting their requests for pardons.

Our clients' defense to the criminal charges arising out of the Watergate break-in leads to the conclusion that they were not guilty of those charges. This defense, later recognized by the Court of Appeals in United States v. Barker and Martinez, consisted of the good faith, reasonable belief that they had been participating in a clandestine national security operation properly authorized by an intelligence agency of this government which negated the specific intent that was an essential element of the offenses with which they were charged. The defense was never presented at trial because as of January, 1973 our clients still adhered to the belief that the national security aspects of their involvement could not be revealed. Therefore, they pled guilty.

The reason for their continued belief that the Watergate entries were a national security operation was due in part to the fact that the Watergate break-in was not the only entry operation they had participated in at the request of E. Howard Hunt. Nine months earlier, in 1971, Mr. Hunt had recruited Messrs. Barker and Martinez to participate in the entry operation of the offices of Dr. Lewis J. Fielding, the psychiatrist for Mr. Daniel Ellsberg. At the time our clients entered pleas of guilty in the Watergate case, Mr. Ellsberg had been under indictment for many months and was being prosecuted by the Justice Department. The Justice

Department had made no disclosure of the clandestine entry operations in Mr. Ellsberg's case. Since such a disclosure would normally result in the context of Mr. Ellsberg's prosecution and since none had been made by the government, it seemed clear to our clients that for national security reasons, they were not authorized to reveal that operation. Yet it was impossible to explain the reason for their participation in the Watergate entries without revealing their prior assistance to Mr. Hunt in connection with the Fielding entry.

The efforts to persuade the trial court and the Court of Appeals to permit our clients to withdraw their guilty pleas in the original Watergate case were unsuccessful. Both courts held that the guilty pleas were properly entered and the defense had been waived, although three judges in the Court of Appeals recognized the defense, two of them registering strong dissents. Accordingly, one can never know for certain if Messrs. Barker, Martinez, Sturgis and Gonzalez would have been acquitted by a jury if they had proceeded to trial and presented the facts in support of their defense.

However, in light of the Court of Appeals' decision in United States v. Barker and Martinez, there is every reason to believe that they would have been acquitted. That appeal resulted from the trial of Messrs. Barker and Martinez for their participation in the 1971 Fielding entry operation; the defense to those charges was the same as would have been presented in the Watergate case; and the Court of Appeals recognized it as a legally valid defense. While erroneously rejected as a matter of law by Judge Gesell, the persuasiveness of the facts in support of their defense led him to state at the conclusion of the trial that in his opinion our clients had been "duped" by high government officials and led the Special Prosecutor's Office to acknowledge during the course of the trial that they were not disputing our clients' belief that they were participating in a national security intelligence operation.

Aside from the question of whether our clients would ever have been convicted had their defense been presented to a jury in the original Watergate case, their background, their loyalty to this country, their limited role in Watergate, and their reasons for having become involved with Mr. Hunt all constitute mitigating factors which we submit lead to the conclusion that their requests should receive favorable consideration. Almost without exception these circumstances have strongly impressed all those who have come in contact with our clients or with the case itself, as illustrated by the following:



1. The extremely favorable pre-sentence reports prepared by the Probation Office for the United States District Court for the District of Columbia under the direction of Mr. Frank Saunders.

2. The dissenting opinions by Judge MacKinnon and Judge Wilkey in the appeal from the original Watergate case (514 F.2d 208).

3. The suspended sentences imposed by Judge Gesell on Messrs. Barker and Martinez in the Fielding entry case, the convictions for which were subsequently overturned by the United States Court of Appeals for the District of Columbia.

4. The U.S. Court of Appeals' opinion in the Fielding case (No. 74-1883) reversing the convictions of Messrs. Barker and Martinez.

5. The Special Prosecutor's decision to move for dismissal of the charges against Messrs. Barker and Martinez following reversal of their convictions in the Fielding entry case.

6. The Honorable John J. Sirica's decision to grant the motions by Messrs. Barker, Martinez, Sturgis and Gonzalez to reduce their sentences to time served following the denial of their petition for a writ of certiorari in the original Watergate case which thereby eliminated the necessity of Mr. Barker's returning to prison.

Finally, the length of time each of our clients was in prison compared to other participants in Watergate is another factor in favor of granting their request for pardons. Messrs. Barker and Sturgis were incarcerated for thirteen months as a result of their convictions in the original Watergate case, while Messrs. Martinez and Gonzalez were incarcerated for fourteen months. Thus, their punishment has been substantially greater than the following individuals who either served no time or minimal periods of incarceration: James W. McCord, Jr., Frederick C. LaRue, Jeb Stuart Magruder, Donald H. Segretti, Egil Krogh, Jr., Dwight D. Chapin, John W. Dean, III, Herbert L. Porter, Herbert W. Kalmbach, Charles Colson, David R. Young, Jr., and Richard Kleindienst.

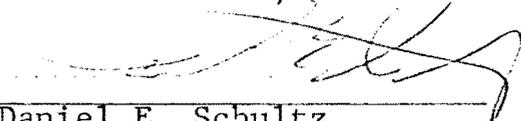
Granting our clients a pardon at this juncture would not only help to correct the disproportionate nature of the punishment in this affair, but would also serve as a

compassionate acknowledgement of the unique circumstances which led to their involvement in the Watergate affair and the possibility that they entered pleas of guilty when the law would not have otherwise imposed criminal responsibility on them for their actions.

Respectfully submitted,

DANIEL E. SCHULTZ, CHARTERED

By:


Daniel E. Schultz


Melinda Gray Murray

DES:jw
Enclosures

