

CHAPTER TWO

ROGER CLINTON'S INVOLVEMENT IN LOBBYING FOR EXECUTIVE CLEMENCY

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FINDINGS OF THE COMMITTEE

Roger Clinton engaged in a systematic effort to trade on his brother's name during the Clinton Administration.

- *President Clinton encouraged Roger Clinton to capitalize on their relationship.* At the beginning of his second term, President Clinton instructed Roger Clinton to use his connections to the Administration to gain financial advantage. According to the lawyer for former Arkansas State Senator George Locke: “Roger related that Bill Clinton had instructed him that since this was his last term in office, Roger should find a way to make a living and use his relationship with the President to his advantage.” By suggesting that Roger Clinton exploit his name, Bill Clinton encouraged the conduct described in this chapter. Roger Clinton apparently took this advice to heart, telling one person from whom he solicited money that he and the President “had only four years to get things done” and that they did not care “about ethics or what appearances were.”
- *Roger Clinton received substantial sums of money from foreign governments solely because he was the President's brother.* When the FBI interviewed him, Roger Clinton admitted that since the beginning of the Clinton Administration, he had received substantial sums of money from foreign governments. Clinton told the FBI that “he knows he receives these invitations [to make paid appearances in foreign countries] strictly because he is the First Brother of the President of the United States.” Clinton also informed the FBI that in addition to receiving hundreds of thousands of dollars for musical performances from foreign governments, he also received money for President Clinton from foreign governments. Roger Clinton told the FBI that he had to be instructed repeatedly by the President or White House staff that the President was not permitted to receive cash from foreign governments.
- *Roger Clinton received at least \$335,000 in unexplained travelers checks, many of which were purchased overseas and likely imported illegally.* The Committee uncovered at least \$335,000 in travelers checks deposited in Roger Clinton's bank account. Most of these travelers checks originated overseas, largely from Taiwan, South Korea, and Venezuela. The travelers checks were not restrictively endorsed by the purchaser but were instead given to Roger Clinton blank. This method of transferring large sums of money to Roger Clinton appears designed to conceal the fact that the funds originated overseas and probably violated criminal statutes requiring reports of the importation of monetary instruments. Roger Clinton has refused to provide the Committee with any explanation of why he received these funds. These suspicious transactions require a complete and thorough investigation by law enforcement authorities, especially in light of his admissions to the FBI about receiving money from foreign governments.
- *Roger Clinton likely violated federal law by failing to register as required under the Lobbying Disclosure Act.* One company paid Roger Clinton \$30,000 to lobby President Clinton and others to loosen government restrictions on travel to Cuba. Although his activity appears to meet the criteria outlined in the statute for those required to disclose their contacts with covered executive branch officials, Roger Clinton did not register as a lobbyist and did

not disclose his paid lobbying contacts with his brother. His failure to register, therefore, needs to be investigated carefully and completely by the Department of Justice.

- *Roger Clinton participated in a plot to obtain a \$35,000 per month contract in exchange for delivering a cabinet secretary to a speaking event.* The FBI briefly investigated Roger Clinton's involvement in a scheme with Arkansas lawyer Larry Wallace to pressure John Katopodis, promoter of an Alabama airport project. Clinton and Wallace attempted to obtain a \$35,000 per month contract in exchange for Clinton's promise to ensure that Secretary of Transportation Rodney Slater would speak at a conference sponsored by Katopodis' organization of local governments. When Katopodis refused to pay and Slater subsequently refused to acknowledge the invitation, Katopodis suspected that Clinton and Wallace were to blame. Wallace had told him that his project would remain at a standstill until Katopodis "showed him the money."

Roger Clinton lobbied for the release from prison of Rosario Gambino, a notorious heroin dealer and organized crime figure.

- *Rosario Gambino was a major drug trafficker.* Rosario Gambino has been convicted in the United States and Italy of heroin trafficking. Before being sentenced to 45 years in federal prison, Gambino associated with known members of organized crime both in Italy and the United States. His associates have described him as a member of the Sicilian Mafia. When his brothers were convicted of racketeering, murder, illegal gambling, loan sharking, and heroin trafficking in 1994, witnesses described them as "the main link between Mafia heroin traffickers in Sicily and the American Mafia."
- *Roger Clinton received at least \$50,000 from the Gambino family, and he expected to receive more if he succeeded in getting Rosario Gambino out of prison.* Tommaso "Tommy" Gambino, the son of Rosario Gambino, approached Roger Clinton to help win the release of Rosario Gambino from prison. Tommy Gambino promised Roger Clinton a substantial financial reward if he was successful. Even though he never was successful, Tommy Gambino provided Roger Clinton with \$50,000, a gold Rolex watch, and an undisclosed amount of "expense money."
- *Roger Clinton attempted to use his relationship to the President to influence the decisionmaking of the United States Parole Commission ("USPC").* Roger Clinton lobbied the Parole Commission to grant parole to Gambino. While lobbying Parole Commission staff, Roger Clinton informed them that President Clinton was aware of his efforts on behalf of Rosario Gambino and that the President had suggested that he contact the Parole Commission members directly. Although the Commission staff tried to insulate the Commissioners from undue influence, Roger Clinton clearly attempted to use his relationship to the President to influence the Commission improperly and win Gambino's release.
- *The Chief of Staff of the Parole Commission hindered the FBI's investigation.* In 1998, the FBI began investigating Roger Clinton's contacts with the Parole Commission. However, it met resistance from Marie Raghianti, the Chief of Staff of the Parole Commission. Raghianti, who had participated in meetings with Roger Clinton on the Gambino case, objected to the FBI investigation and successfully halted an FBI plan to have an undercover

agent meet with Clinton posing as a Parole Commission staffer. She also attempted to keep the FBI from recording a meeting between Roger Clinton and a Parole Commission staffer. Ragghianti's efforts may have kept the FBI from reaching a full understanding of Roger Clinton's involvement in the Gambino case.

- *Roger Clinton lied to FBI agents investigating his contacts with the Parole Commission and his relationship with the Gambino family.* When interviewed by the FBI in 1999, Roger Clinton said that he had never represented to anyone at the Parole Commission that the President was aware of his contacts with the Commission on behalf of Rosario Gambino. This self-serving claim is contradicted by contemporaneous, written memoranda detailing Clinton's contacts as well as by the vivid and credible recollections of Parole Commission staff. Clinton also lied about the purpose of a \$50,000 check from the Gambinos, which he deposited on the day of the FBI's interview. While it is unclear whether he deposited the check before or after the interview, Clinton told the agents that Tommy Gambino had offered to loan him money for a down payment on his house. He repeated this explanation to the media when news of the money became public in 2001. However, after reviewing both Clinton's and Gambino's bank records, the Committee has found no evidence that Clinton used the \$50,000 for a down payment or that he ever repaid any of the money. Accordingly, his claim to the FBI that the money was merely a loan is false. During his interview, Clinton also told the FBI agents three separate and contradictory stories in response to questions about his receipt of a Rolex watch from Tommy Gambino before finally producing a Rolex to the agents and claiming he had bought it in Tijuana, Mexico.
- *Roger Clinton apparently lobbied the White House to grant a commutation to Rosario Gambino.* In the last days of the Clinton Administration — after Roger Clinton had failed to win parole for Rosario Gambino and after he had received a Rolex watch and \$50,000 from the Gambino family — the White House received a petition for commutation for Rosario Gambino. Documents indicate that the White House lawyer responsible for clemency matters requested a criminal background check on Gambino, which is normally done when some serious consideration is being given to a grant of clemency. The obvious and logical inference that explains how the Gambino petition garnered that level of attention at the White House is that Roger Clinton was pushing for it. Because key Clinton White House staff have refused to answer questions about this matter, it is unknown whether Roger Clinton hand-delivered the Gambino petition as he did with others or whether he brought it to the attention of the White House some other way. Although the President did not ultimately grant clemency to Gambino, the circumstances surrounding the consideration of his petition are nevertheless suspect. The fact that granting clemency to a mobster and confirmed criminal like Gambino was considered at all is disturbing enough, but the reason it was considered is even more offensive. The Gambino family was apparently able to purchase access to the both the parole and clemency processes with cash payments and expensive gifts to the brother of the President of the United States. Moreover, despite an FBI investigation of the matter, the Justice Department has, to date, been unwilling or unable to prosecute Clinton for any of his activities.

Roger Clinton received a substantial portion of \$225,000 that was swindled from the Lincecum family in Clinton's name with the promise of pardon that never came.

- *The Lincecum family paid \$225,000 to obtain a pardon for Garland Lincecum.* In 1998, Garland Lincecum, a convicted felon, was informed that he could purchase a presidential pardon for \$300,000. Lincecum was told that Arkansas businessmen Dickey Morton and George Locke, who had a close relationship with Roger Clinton, could obtain the pardon. Lincecum borrowed \$225,000 from his mother and brother and claims that a business associate paid another \$70,000 to Morton and Locke for his pardon. The money he borrowed from his family constituted their life savings and means of support in retirement.
- *Roger Clinton received at least \$43,500 in proceeds from the Lincecums' payments to Morton and Locke.* Dickey Morton, George Locke, and Roger Clinton divided the funds among themselves with Roger Clinton receiving a total of \$25,500 in checks and \$18,000 in cash. The Lincecums paid the checks to a company called CLM, which they were told stands for Clinton, Locke, and Morton. Dickey Morton then disbursed the funds from the company's bank account to Clinton, Locke, and himself. Roger Clinton has falsely denied any relationship with CLM while offering no explanation of why he received this substantial share of an elderly woman's retirement savings through CLM.
- *Roger Clinton may have been involved in a scheme to defraud the Lincecums.* Garland Lincecum never received a pardon, and there is no evidence that Dickey Morton, George Locke, or Roger Clinton ever submitted Lincecum's name to the Justice Department or White House for consideration for a pardon. Therefore, it appears that the Lincecums were the victims of a scam perpetrated by Morton, Locke, and perhaps Roger Clinton as well.

Roger Clinton may have been involved in lobbying for as many as 13 other pardons and commutations.

- *Roger Clinton publicly admitted involvement in six clemency efforts, but the evidence connects him to many more.* Roger Clinton told the media that he had asked for pardons for approximately six close friends and that he did so because of concern for them and not for any personal gain. For example, Roger Clinton lobbied for pardons for George Locke and Dan Lasater, two associates from Arkansas who were convicted of drug offenses together with Clinton himself in the 1980s. However, the Committee has obtained evidence connecting Clinton to many more pardon seekers. Some of the cases involve people who were not his personal friends and some involve solicitations or offers of money and lucrative business opportunities in exchange for his ability to place a clemency petition in front of the President.
- *Roger Clinton was asked to lobby for a pardon for horse breeder J.T. Lundy in exchange for secretly sharing profits in a lucrative business venture.* Lundy promised Clinton a share of the profits from a Venezuelan coal deal in exchange for Clinton's help in obtaining a pardon for him. Lundy suggested a scheme whereby the payments to Clinton could be concealed by placing his share of the profits in Dan Lasater's name. Lasater, who owned a 20 percent interest in the venture, discussed the possibility of a pardon for Lundy with Roger Clinton.

- *Roger Clinton delivered the pardon petition of former Reagan EPA official Rita Lavelle to the White House.* According to Lavelle, an intermediary for Roger Clinton asked her for a \$30,000 fee for him to hand-carry her petition to the President. Lavelle responded that she could not afford to pay any money, but she said Clinton agreed to deliver the petition anyway. On the last night of the Clinton presidency, Roger Clinton asked Lavelle “do you have \$100,000 to get this through?” Being bankrupt, however, Lavelle laughed at the question. She did not pay Clinton any money and did not receive a pardon.
- *Roger Clinton was asked to lobby for a pardon for Houston Real Estate Developer John Ballis, and Ballis’ petition was seriously considered at the White House.* After being convicted of S&L fraud, Ballis married a former employee of Dan Lasater and friend of Roger Clinton. Through his wife’s connection, Ballis sought Roger Clinton’s help. Clinton first lobbied for Ballis before the U.S. Parole Commission, sometimes during the same meetings in which he lobbied for mobster Rosario Gambino. Ballis credited Clinton with helping him obtain early release and sought his help in obtaining a presidential pardon to eliminate his parole supervision and restitution payments. While he was not granted any form of clemency, the President reviewed his petition, and a White House lawyer called Ballis’ lawyer two nights before inauguration day to ask if Ballis would accept a grant of clemency that left intact his obligation to pay restitution.
- *Roger Clinton lobbied his brother to grant clemency to Steven Griggs, the son of the chief of an unrecognized American Indian tribe, who was in prison on drug charges.* Like Ballis, Steven Griggs was not a close friend of Roger Clinton’s but merely someone who knew someone who knew him. Griggs also did not receive clemency, but Roger Clinton helped ensure that Griggs’ petition was brought to the attention of the President even though Griggs had been a fugitive for a year before being sentenced. Griggs argued in his petition that he had received an unusually harsh sentence but failed to mention that he had fled after his conviction. It is not clear what motivated Roger Clinton to assist Griggs, but some evidence suggests that the tribe may have planned to open a casino when and if it were to become recognized by the federal government.
- According to his former lawyer, Arkansas restaurant operator Phillip Young was approached with an offer to obtain a pardon through Roger Clinton for \$30,000. While Young denied to Committee staff that he was actually approached by anyone with such a proposal, his denial is not as credible as his former attorney’s version of events.

Both the White House and the Justice Department hindered the Committee’s investigation of Roger Clinton by improperly refusing to produce key documents.

- *For months, the Bush White House prevented the National Archives from producing even non-deliberative, clemency-related records from the Clinton administration.* The Committee did not learn that President Clinton had been considering a clemency petition from notorious mobster Rosario Gambino until after Archives personnel “inadvertently” produced documents that President Bush’s Counsel had sought to withhold. The accidental production also included documents relating to three other previously unknown individuals who had sought clemency through Roger Clinton. The Bush Administration did manage to retain four additional deliberative Gambino documents from the files of the Clinton White House,

refusing to produce the records even though they were not subject to any executive privilege claim.

- *The Ashcroft Justice Department produced certain Gambino-related records, but inexplicably withheld others.* After producing sensitive documents such as U.S. Parole Commission files related to Rosario Gambino and a summary of an FBI interview with Roger Clinton, the Justice Department ceased producing additional documents, claiming they were related to an ongoing criminal investigation, even though the Clinton-Gambino matter had reportedly been closed in 2000.

INTRODUCTION

Unlike other presidential relatives discussed in this report, Roger Clinton was fairly unsuccessful in actually obtaining clemency for anyone but himself. Nevertheless, the Committee investigated his activities because the substantial number of credible allegations of influence peddling demanded further scrutiny. Even though Roger Clinton was unable to deliver actual grants of clemency, he was able to deliver the time and attention of the President and his senior staff. Roger Clinton's ability to circumvent the normal process was worth a great deal of money to those hoping for clemency, and he exploited it for his personal gain. The damage done by this exploitation is even worse in light of evidence suggesting that President Clinton was aware of and even encouraged it. While investigating these matters, the Committee also discovered several potential violations of law and suspicious transactions, some of which are not directly related to clemency requests. However, these non-clemency matters are detailed briefly in this chapter because they provide evidence of a pattern of behavior by Roger Clinton that is instructive when considering the evidence in the clemency-related matters.

For a variety of reasons, including his 1985 conviction for cocaine distribution, Roger Clinton was generally mocked and regarded with derision during President Clinton's two terms in office. When Roger Clinton's involvement in lobbying for presidential pardons came to light, it was often treated with humor in the press and was fodder for late-night talk show monologues. However, as the Committee investigated these allegations, it became clear that Clinton was involved in serious and reckless misconduct constituting a systematic effort to cash in on his fame as the President's brother. Roger Clinton's efforts to use his status as the President's brother to try to win clemency for an organized crime figure represents one of the darkest examples of influence peddling ever reviewed by the Committee. His other seamy business dealings, along with his frequent acceptance of large cash payments from foreign governments, only compounds the disturbing appearance that access to the President was up for sale. That the President could have been completely unaware of these sordid dealings is implausible at best. Yet, too often, public disclosure of this type of behavior has prompted laughter rather than stern rebukes. To dismiss Roger Clinton's activities as merely the comical bumbling of Bill Clinton's less-gifted half-brother, however, runs the risk of seriously undermining public confidence in the integrity of government.

At the end of 2000 and the beginning of 2001, Clinton attempted to obtain grants of clemency for a number of individuals, many of whom he barely knew. While he appears to have been motivated by friendship in some instances, many of the others appear to be motivated by the promise of financial reward. The Committee has collected evidence indicating that Roger

Clinton was connected to pardon or commutation requests for at least 15 different individuals, excluding himself: John Ballis, Rosario Gambino, Steven Griggs, Dan Lasater, Rita Lavelle, Garland Lincecum, George Locke, Blume Loe, J.T. Lundy, Joseph “Jay” McKernan, Jim McClain, William McCord, Mark St. Pé, Mitchell Wood, and Phillip Young. For his part, Roger Clinton has admitted only to leaving a list of six pardon requests at the White House for his brother’s consideration.¹ The Committee has been unable to obtain a copy of the list² or confirm which names were on the list.³ Whether Roger Clinton provided President Clinton with a list of six names is largely irrelevant, however, as the Committee has compiled evidence clearly demonstrating that of the 15 cases with some connection to Roger Clinton, he actually pressed for grants of clemency for at least eight individuals.⁴

Although Roger Clinton failed to obtain the grants of clemency for which lobbied, he did receive clemency for his own cocaine conviction. While the Committee did not investigate it directly, President Clinton’s grant of clemency to his brother now appears to be one of his most egregious last-minute pardons. Roger Clinton was involved in potentially illegal conduct and was under active investigation by the FBI at the time that he received his pardon. The fact that he was involved in the type of conduct described in this report should have disqualified him from receiving clemency. Moreover, the media widely reported in August 2001 that Roger Clinton had entered rehabilitation for chronic cocaine abuse.⁵ Obviously, if Roger Clinton was engaged in illegal cocaine use in January 2001, it would indicate that he was neither rehabilitated nor remorseful for his cocaine distribution crimes, making him an unsuitable candidate for a presidential pardon under President Clinton’s own guidelines.

The focus of this chapter, though, is Roger Clinton’s involvement in lobbying for others in their attempts to obtain executive clemency. The sheer number of people who attempted to purchase or were solicited to purchase a pardon through Roger Clinton gives credence to allegations that he was engaged in a systematic effort to capitalize on his relationship to the President of the United States. Moreover, the Committee’s investigation has revealed that his attempts to sell his access to the President were not confined to clemency-related matters.

¹ Richard Serrano and Stephen Braun, *Roger Clinton Says He Promised Pardons*, L.A. TIMES, Feb. 24, 2001, at A1.

² In attempting to obtain a copy of the list from the files of the former Administration, the Committee requested from the National Archives, “All records relating to any requests for clemency made by Hugh Rodham or Roger Clinton on behalf of any individual.” Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to John W. Carlin, Archivist of the United States, National Archives and Records Administration (Mar. 8, 2001) (within Appendix I). On March 14, 2001, the Committee also issued a subpoena to Roger Clinton seeking, *inter alia*, “all records relating to any efforts made by you, or on your behalf, to assist in the obtaining of any grant of executive clemency” (within Appendix II).

³ The Committee sent Roger Clinton a letter requesting answers to a number of questions, including, “Please list all individuals on whose behalf you ever requested executive clemency.” Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Roger C. Clinton (June 25, 2001) (within Appendix I). The reply from his lawyer refused to answer any of the questions, stating, “Like anyone who values his own privacy and who respects the privacy of those close to him, Mr. Clinton will not submit willingly to a general warrant.” Letter from Bart H. Williams, Munger, Tolles & Olson, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (June 27, 2001) (within Appendix I).

⁴ The eight individuals are Rosario Gambino, Steven Griggs, Dan Lasater, Rita Lavelle, George Locke, Joseph McKernan, William McCord, and Mark St. Pe. Their cases are discussed in more detail below.

⁵ See, e.g., Lloyd Grove, *The Reliable Source: First Paula Poundstone, then Ben Affleck, now Roger Clinton*, WASH. POST, Aug. 10, 2001.

Indeed, Roger Clinton repeatedly treated his relationship to President Clinton as a commodity to be sold to the highest bidder. This disturbing pattern of behavior began shortly after Bill Clinton became President and apparently continued until Bill Clinton's last day in office. Roger Clinton's behavior was unseemly at best, but it is even more troubling is that the President himself appears to have instigated and encouraged this behavior.

I. ROGER CLINTON'S PATTERN OF TRADING ON HIS BROTHER'S NAME

When the FBI interviewed Roger Clinton in conjunction with its investigation of his relationship with the Gambino family, Clinton made a number of startling admissions. He admitted that since early in President Clinton's term, foreign governments had paid him hundreds of thousands of dollars. Clinton claimed that these payments were for musical performances but acknowledged that he knew he was receiving the money only because he was the President's brother. Roger Clinton also admitted that foreign governments had given him gifts for President Clinton and that he had kept some of those gifts for his own use. He informed the FBI that early in President Clinton's term, he received cash payments from foreign governments, which he was to give to the President. White House staff had to instruct him that the President could not accept cash payments from foreign countries. Some of Clinton's conduct is explained in his interview with FBI investigators:

[Roger Clinton] has made a number of business trips to foreign countries over the last few years. Clinton stated that he is a musician and plays with a six piece band. He has received invitations from Presidents and other foreign government leaders from between 10-12 different countries. Clinton advised he knows he receives these invitations strictly because he is the First Brother of the President of the United States. Clinton advised that the President is aware of the invitations, in general, but may not know each time he takes a trip. Clinton stated that when he received an invitation to visit a country he is offered money by the country to make the trip. He stated that he would not accept the invitation unless he could earn the money. He insists on performing with his band while visiting the country. He is a musician and wants to be recognized for his music. Clinton stated he receives a minimum of \$25,000 per performance when he travels. He may play a few nights during a given trip. He likes to perform for children during these trips and attempts to make those arrangements.

Clinton stated he has traveled to South Korea approximately six times. He has gone as the personal guest of President Kim Dae Jong (phonetic). He has been paid as much as \$200,000 for performing on a trip. He has also traveled to Japan, Argentina, and 8 to 10 other countries. Clinton stated that the country extending the invitation usually pays for him and his six piece band to fly to the country and perform. The host country usually pays all their expenses and provides a Presidential security detail while they are there.

Clinton stated he has received payment for these performances in a number of ways. He has received payment by check in United States dollars, cash in United States dollars and also in the currency of the host country. Clinton stated in some instances the foreign government even provides extra funds to cover the costs of

taxes that would be assessed against the money. Clinton advised he did not want to provide specific details on what exactly he is paid for his performances because that is “personal.”

Clinton stated that when he receives an invitation to a country he always calls the National Security Council to get the clearance to make the trip. He stated that they usually say no at the very beginning, then he talks them into agreeing to let him make the trip. Clinton stated that he always provides the Security Council with an itinerary whenever he makes one of these trips.

* * *

Clinton advised that while he visits foreign countries as their guest he is often presented with all kinds of gifts. Examples he gave were vases, sheep skin rugs and many more he could not remember. He also received gifts for the President which he has sometimes kept. Clinton advised that in his earliest trips, at the beginning of the Presidents [sic] term, he would be offered money for the President from some of the foreign government officials he was visiting. He stated years ago he did not know he could not accept money for the President. Clinton stated he was told by either the President or his staff that he could not bring money back from a foreign country for the President. He advised he was told on a couple of occasions to send the money back because the President was not allowed to accept money from a foreign country.

Clinton was asked if he reported the money he earned on his foreign country visits as income on his United States tax returns. He stated that yes he reported the income. He was asked if he claimed the expenses on his tax returns as well. Clinton stated that he only claimed the expenses that he actually paid for on his tax returns. Clinton further advised that years ago he had some tax problems. At one point he owed between \$40,000 to \$60,000 dollars [sic] in taxes. He made arrangements with the Internal Revenue Service (IRS) to pay of [sic] the tax debt, and does not want to have any more problems.⁶

Roger Clinton’s statements to the FBI make it clear that from the earliest days of his brother’s presidency, he used his fame and proximity to power to make as much money as possible. Over the next eight years, Roger Clinton accepted hundreds of thousands of dollars from foreign governments in exchange for “musical performances.” Clearly, the payments made to Clinton far exceeded the actual value of his performances. Presumably, the foreign governments paying Roger Clinton were attempting to curry favor with the Clinton Administration by paying large sums of money to the President’s brother. Whether these governments found increased favor or access with the Clinton Administration is unknown. However, this pattern of conduct clearly establishes that Roger Clinton was attempting to use his position and access to cash in, without regard to whether his actions were legally or ethically questionable.

⁶ DOJ Document Production FBI-RC-0000007-8 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

Although Roger Clinton used his name to make money early in the Clinton Administration, he apparently believed the potential to exploit his relationship to the President was greater than he had previously realized. Roger Clinton's longtime friend and fellow convicted cocaine felon George Locke told the Committee through his lawyer about a conversation in which Roger Clinton described his determination to profit more effectively from his status as brother of the President:

On the night of the reelection of Bill Clinton as president, a special party was held at the Excelsior Hotel for VIP guests. Roger Clinton invited George Locke to the party. During the course of the evening, Roger had a conversation with George Locke. Roger Clinton advised that during his brother's first term in office, (although he had been invited to numerous social gatherings as a result of being the president's brother) Roger Clinton had never "capitalized" on his relationship to the president. Further, Roger related that Bill Clinton had instructed him that since this was his last term in office, Roger should find a way to make a living and use his relationship with the President to his advantage. Bill Clinton had stressed to Roger that whatever business endeavors Roger was involved in, they must be legitimate concerns and not to find himself involved in any illegal activity.⁷

It appears that Roger Clinton took at least part of Bill Clinton's advice to heart. During the last term of the Clinton presidency, Roger Clinton was involved in a number of efforts to use his brother's name to make large amounts of money. However, despite his brother's advice to engage only in legitimate and legal business, Roger Clinton's activities may have violated the law and clearly raise substantial ethical questions.

A. Roger Clinton's Foreign Travelers Checks and Other Questionable Sources of Income

A review of Roger Clinton's bank records shows that he received money from a wide variety of sources, ranging from small amounts for television and film appearances to large amounts for lobbying his brother. However, one of the greatest influxes of money to Roger Clinton during the Clinton Administration came in the form of at least \$335,000 in overseas travelers checks. These transactions present a number of troubling issues. Nevertheless, Roger Clinton has provided no explanation of why he received these travelers checks.

- First, almost all of these travelers checks were purchased by third parties overseas, largely in Taiwan, South Korea, and Venezuela. Why Roger Clinton received these substantial sums of money from overseas is unknown.
- Second, the travelers checks were provided to Roger Clinton blank. Clinton signed and countersigned all of the checks, despite the fact that he did not purchase the checks. Usually, the individual who purchases travelers checks signs them when they are

⁷ Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

purchased, so that they cannot be stolen or used by an unauthorized individual. The fact that the buyer did not sign them and gave them to Clinton blank suggests that the funds were intentionally provided to Clinton in a manner calculated to conceal their origin.

- Third, the travelers checks were purchased overseas and then imported into the United States. If a total of \$10,000 or more was imported at any one time, then the importation should have been declared on customs forms. However, Roger Clinton did not file any such forms with the Customs Service.⁸ If Roger Clinton imported these travelers checks into the United States from overseas without filing the required forms with the Customs Service, then he committed a serious crime.⁹

The following is an accounting of the travelers checks received by Roger Clinton, indicating the country of origin of the checks and the name of the purchaser. Although the Committee has been able to obtain the name of the individual purchasing the travelers checks, it has been unable to obtain further information regarding the purpose of the checks.

<i>Date Deposited</i>	<i>Type of Check</i>	<i>Origin</i>	<i>Purchaser Name</i>	<i>Amount</i>
November 30, 1998	American Express	Unknown	Chen Jianxing	\$1,000
December 1, 1998	American Express	Taiwan	Huang Xian Wen	\$15,000
December 8, 1998	American Express	Taiwan	Huang Xian Wen	\$23,000
December 15, 1998	Citicorp	Taiwan	Unknown	\$90,000
December 15, 1998	Unknown	Unknown	Unknown	\$29,000
December 15, 1998	Visa-Sumitomo	Taiwan	Lin Mei Guang	\$4,000
December 15, 1998	American Express	Taiwan	Huang Xian Wen	\$2,000
July 12, 1999	American Express	Unknown	Unknown	\$20,000
July 12, 1999	Citicorp	South Korea	Sook-Eun Jang ¹⁰	\$5,000
November 30, 1999	Citicorp	Taiwan	Unknown	\$3,000
November 30, 1999	Citicorp	Taiwan	Unknown	\$10,000
November 30, 1999	Citicorp	Taiwan	Unknown	\$5,000
November 30, 1999	Visa	Taiwan	Unknown	\$1,000
November 30, 1999	Visa	Taiwan	Xu Jingsheng	\$3,000
November 30, 1999	Citicorp	Venezuela	Pedro Jose Garboza Matos	\$38,000
November 30, 1999	Unknown	Unknown	Unknown	\$40,000
February 22, 2000	American Express	Taiwan	Qu Guang Yin	\$7,000
March 24, 2000	Citicorp	Venezuela	Pedro Jose Garboza Matos	\$3,000

⁸ The Committee sought any records indicating, *inter alia*, that Roger Clinton filed forms declaring the importation of more than \$10,000 into the United States. Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to James F. Sloan, Financial Crimes Enforcement Network Director, Department of Treasury (June 1, 2001) (within Appendix I). The one document produced in response to this request appears to be unrelated to the travelers checks deposited into Roger Clinton's bank account. Letter from Albert R. Zarate, Senior Counsel, Financial Crimes Enforcement Network, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (June 8, 2001) (within Appendix I).

⁹ 31 U.S.C. § 5316 imposes an obligation on anyone who "transports . . . monetary instruments of more than \$10,000" into the United States or who "receives monetary instruments of more than \$10,000 at one time transported into the United States" to file a report of the importation. Failure to file such a report can result in both civil penalties under 31 U.S.C. § 5321 and criminal penalties under § 5322. Monetary instruments subject to the reporting requirement include travelers checks in any form, whether restrictively endorsed or not. *U.S. v. Larson*, 110 F.3d 620 (8th Cir. 1997).

¹⁰ This individual is likely the same person identified as "Suk Eun Chang" who purchased \$5,000 in travelers checks deposited by Roger Clinton on April 17, 2000. *See also* n.19 and accompanying text.

April 5, 2000	American Express	Taiwan	Mou Chuanxue	\$4,000
April 17,2000	American Express	Taiwan	Qu Guang Yin	\$13,000
April 17, 2000	American Express	Unknown	Suk Eun Chang	\$5,000
May 15, 2000	American Express	Unknown	Unknown	\$5,000
July 13, 2000	Citicorp	South Korea	Seung-Chul Ham	\$1,000
July 27, 2000	Citicorp	South Korea	Seung-Chul Ham	\$2,000
July 31, 2000	Citicorp	South Korea	Seung-Chul Ham	\$4,000
August 2, 2000	American Express	Unknown	Unknown	\$1,000
August 11, 2000	American Express	Unknown	Unknown	\$1,000
Total:				\$335,000

Roger Clinton therefore deposited in his bank accounts at least \$335,000 in travelers checks, most or all of which originated overseas. It is possible that Clinton was provided with even more funds in travelers checks, which were not deposited in his bank accounts but were spent instead. Roger Clinton has refused to answer any questions about the travelers checks, including why they were paid to him, who paid them to him, or whether he paid appropriate taxes on them.¹¹ Given the large amount of money involved and the attempt to conceal its source, these circumstances give rise to a reasonable suspicion that multiple laws may have been violated, including those relating to declaring monetary instruments imported into the United States and reporting the income for tax purposes. Accordingly, the Committee believes this matter should be investigated further by the Department of Justice, which would have the ability to review Roger Clinton's tax records and could potentially obtain sworn testimony from him.

In addition to the \$335,000 in travelers checks, Roger Clinton has also received funds from a number of other suspicious sources, raising questions about the legality of his activities:

- *Cash:* Roger Clinton deposited into his bank accounts \$85,000 in cash between February 1998 and February 2001. Clinton claimed to the FBI that he received this cash while traveling to foreign countries ostensibly for the purpose of performing with his six-piece band. Like the transactions involving blank travelers checks, these large cash transactions give rise to reasonable suspicions that the purpose of the payments was not legitimate. In addition, the \$85,000 figure represents only the money that Clinton deposited into his account. It seems likely that Clinton received more money and spent it, rather than depositing it. However, as Clinton has refused to answer any questions from the Committee, it is impossible to know exactly how much cash he received, from whom, and for what purpose.
- *Seaway II Florida and Tony Rodham:* Seaway II Florida is a company controlled by Florida businessman Gene Prescott.¹² Prescott owns the Biltmore Hotel in Coral Gables, Florida, as well as a number of other properties. Prescott also has a close relationship with Hillary Clinton's brother Tony Rodham and has an interest in Rodham's consulting business, Tony Rodham and Associates. Between January and November 1998, Seaway II Florida issued three checks to Roger Clinton totaling \$20,000. According to the lawyer for Seaway II

¹¹ See Letter from Dan Burton, Chairman, Comm. on Govt. Reform, to Roger Clinton (June 25, 2001) (within Appendix I); Letter from Bart H. Williams, Munger, Tolles & Olson, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (June 27, 2001) (within Appendix I).

¹² See Telephone Interview with Gene Prescott, Owner, Biltmore Hotel (June 5, 2001).

Florida, Roger Clinton was paid this money for referring business to Tony Rodham, although neither the attorney nor Prescott could recall the specific referral.¹³ In addition, it appears that Tony Rodham attempted to pay Roger Clinton \$25,000 personally, in April 1998, but that the check was returned for insufficient funds.¹⁴ Due to the refusal of Rodham and Clinton to cooperate with the Committee, the purpose of the attempted \$25,000 payment is not clear.

- *Edvard Akopyan*: Edvard Akopyan is a Glendale, California, resident who paid \$61,100 to Roger Clinton between August and December 1999. Akopyan claims that he paid the money to Clinton because he was acting as a middleman in scheduling Clinton's appearance at a musical concert in Kazakhstan.¹⁵ Akopyan stated that Clinton made one appearance in Kazakhstan in the summer of 1999 and a second in January 2000.¹⁶ Akopyan stated that the individual in Kazakhstan who provided the funds to him for Clinton's payment was named Darkhan Berdaleav.¹⁷ Akopyan also stated that Roger Clinton informed him that he checked with the State Department before he traveled to Kazakhstan to perform.¹⁸
- *Suk Eun Chang*: In December 1999, Suk Eun Chang provided Roger Clinton with a cashier's check for \$70,000.¹⁹ The source of the cashier's check was apparently \$193,000 deposited by Chang into a bank in Los Angeles.²⁰ Chang also provided \$10,000 in travelers checks to Clinton. However, the Committee has been unable to locate Chang to ask him about the source of this cash or the purpose of the payment to Clinton.

These questionable sources of income, together with the travelers checks received by Roger Clinton, should be the subject of further investigation by the Department of Justice. At a minimum, the government should satisfy itself that the requisite taxes have been paid.

B. Roger Clinton's Lobbying Regarding Cuban Travel Restrictions

In the course of reviewing Roger Clinton's bank records, the Committee learned that during 2000, Roger Clinton was paid to lobby President Clinton regarding the restrictions on travel to Cuba. Roger Clinton's receipt of substantial sums of money to lobby his brother raises serious ethical and legal questions given Clinton's failure to register as a lobbyist as required by federal law. This arrangement also served as a precedent for Roger Clinton's acceptance of money to lobby his brother for grants of clemency at the end of President Clinton's term.

In June 2000, a Los Angeles-based company called Cuba Travel Services ("CTS") hired Roger Clinton. Michael Zuccato, President of CTS, is a personal friend of Roger Clinton's.²¹

¹³ Telephone Interview with Daniel Ponce, Counsel for Gene Prescott (June 29, 2001).

¹⁴ Bank of America Document Production (Exhibit 2).

¹⁵ Telephone Interview with Edvard Akopyan (June 5, 2001).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Bank of America Document Production (Exhibit 3).

²⁰ Bank of America Document Production (Exhibit 4).

²¹ Telephone Interview with Michael Zuccato, President, Cuba Travel Services (June 5, 2001).

According to Zuccato, Roger Clinton was hired to help CTS lift restrictions on travel to Cuba.²² CTS specialized in arranging charter flights from Los Angeles to Cuba and would substantially benefit from a loosening of legal restrictions on such travel. A CTS affiliate, J. Perez Associates, and Roger Clinton's company, Odgie Music, signed a consulting agreement in which CTS retained Roger Clinton to "provide counsel, advice and to promote [CTS] to entities necessary to conduct its import and export business."²³ CTS agreed to pay Clinton \$5,000 per month for these services.²⁴ Over the next four months, CTS and J. Perez Associates paid Roger Clinton a total of \$30,000.²⁵ According to Zuccato, Roger Clinton was paid during this period to present information to "his brother and other people."²⁶ Indeed, one invoice from Odgie Music to J. Perez and Associates charges \$5,000 for a trip made by Roger Clinton to Washington, D.C.²⁷ Although Zuccato denied that Roger Clinton's contacts with "his brother and other people" constituted "lobbying,"²⁸ there is no other accurate description for what Roger Clinton did. The Lobbying Disclosure Act of 1995 ("the Act") defines the term "lobbying contact" as:

[A]ny oral or written communication . . . to a covered executive branch official . . . that is made on behalf of a client with regard to — (i) the formulation, modification, or adoption of Federal legislation (including legislative proposals) [or] (ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government[.]²⁹

Any contact Roger Clinton had with the President about easing restrictions on travel to Cuba would certainly constitute a communication with regard to a modification of a policy or position of the United States. If Roger Clinton's lobbying activities³⁰ for Cuba Travel Services constituted more than 20 percent of the total work he did for the company, then he would be "a lobbyist" under the provisions of the Act.³¹ As a lobbyist who earned more than \$5,500 in a six-month period from a single client, Roger Clinton would have an obligation to register with the Secretary of the Senate and the Clerk of the House of Representatives.³² A search of those filings indicates that he did not do so.³³

²² *Id.*

²³ Cuba Travel Services Document Production (Consulting Agreement) (Exhibit 5).

²⁴ *Id.*

²⁵ Bank of America Document Production (Checks from CTS and J. Perez Associates) (Exhibit 6).

²⁶ Telephone Interview with Michael Zuccato (June 5, 2001).

²⁷ Cuba Travel Services Document Production (Invoice from Odgie Music) (Exhibit 7).

²⁸ Telephone Interview with Michael Zuccato, President, Cuba Travel Services (June 5, 2001).

²⁹ 2 U.S.C. § 1602(8)(a). A "covered executive branch official" includes the President. 2 U.S.C. § 1602(3)(a).

³⁰ The term "lobbying activity" is broadly defined as "lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others." 2 U.S.C. § 1602(7).

³¹ 2 U.S.C. § 1602(10).

³² 2 U.S.C. § 1603(a)(1); 2 U.S.C. § 1602(a)(3)(A)(1); 2 U.S.C. § 1603(a)(3)(b).

³³ See Office of Public Records, United States Senate, "Lobby Filing Disclosure Program," <<http://sopr.senate.gov/>> (U.S. Lobby Report Images for 2000).

Because Roger Clinton declined to be interviewed by the Committee, the precise content of his discussions with President Clinton is unknown.³⁴ However, it is clear that he was paid \$30,000 to lobby the President to loosen travel restrictions to Cuba and that he told his clients that he had, in fact, contacted his brother on their behalf. These circumstances warrant further investigation by law enforcement authorities to determine whether Roger Clinton violated federal law by failing to register as a lobbyist.³⁵ Apart from his failure to register, Roger Clinton's activity in this case was likely legal. However, whether such activities should be legal is another question. Even when properly disclosed, which these contacts were not, paid lobbying of the President by close relatives is likely to decrease public confidence in the integrity of government. As a matter of prudence, the President should not have agreed to be lobbied by family members who received payment. President Clinton implicitly admitted this principle when he asked his brother-in-law Hugh Rodham to return money paid to lobby for the pardons of Carlos Vignali and Glenn Braswell. The day after learning of the payments, President Clinton issued a statement: "Neither Hillary nor I had any knowledge of such payments. We are deeply disturbed by these reports and have insisted that Hugh return any moneys received."³⁶ The payments to Roger Clinton to lobby his brother on travel restrictions to Cuba should be equally disturbing for exactly the same reasons.

C. The Shakedown of John Katopodis

The Committee investigated another episode in which Roger Clinton tried to exploit his Administration contacts to enrich himself. Roger Clinton and a business associate, Larry Wallace, pressured the president of an association of local governments in Alabama, John Katopodis, to hire Clinton for his ability to contact Transportation Secretary Rodney Slater and others in the Clinton Administration. As described below, Wallace and Clinton apparently engaged in strong-arm tactics to try to force Clinton's hiring.

In early 1996, John Katopodis, a Harvard-educated Fulbright Scholar,³⁷ was advocating the construction of a new international airport for Alabama.³⁸ Katopodis served as Executive Director of the Council of Cooperating Governments, an association of city and county

³⁴ A statement in the summary of the FBI's interview with Roger Clinton suggests that at some point, Roger discussed the Cuban trade embargo with President Clinton:

[Roger] Clinton recalled a conversation, the date or approximate time of which he could not recall, he had with his brother, Bill Clinton, who told him the [Cuban] cigar embargo would not be lifted while he was still President. President Clinton allegedly said "The embargo will be eased for food and medicine because that is the direction the world is going, but not for cigars, not during your life time [sic]."

DOJ Document Production FBI-RC-0000004 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

³⁵ The penalty for such a violation is a fine of up to \$50,000. 2 U.S.C. § 1606.

³⁶ John Solomon, *Clinton Kin Returns Pardon Fee*, ASSOCIATED PRESS, Feb. 21, 2001. *See generally* Chapter Three, "Hugh Rodham's Role in Lobbying for Grants of Executive Clemency," Section I.D.1., "The Response from Hugh Rodham."

³⁷ Telephone Interview with John Katopodis, Executive Director, Council of Cooperating Governments (Sept. 5, 2001).

³⁸ DOJ Document Production FBI-RC-0000011 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

governments dedicated to improving transportation in the Southeast.³⁹ As part of its efforts to publicize the airport project, the Council was seeking a prominent guest speaker for its 1996 symposium.⁴⁰ Local and state political figures, as well as federal agency representatives, were planning to attend the symposium,⁴¹ and Katopodis sought the Secretary of Transportation as the ideal guest speaker.⁴² Yet, attracting the Secretary of Transportation proved to be no easy task. While discussing the airport project with his colleague Dr. Frank Stuart, Katopodis was advised that Arkansas attorney Larry Wallace could be instrumental in arranging for the Secretary's visit.⁴³ Katopodis eventually received an unsolicited telephone call from Wallace.⁴⁴ Mr. Wallace, a self-proclaimed power broker from Little Rock, Arkansas, was well connected to the Clinton Administration.⁴⁵ One of these connections included the White House Chief of Staff at the time, Mack McLarty, Wallace's former law partner.⁴⁶

Katopodis explained that he wanted Secretary of Transportation Federico Peña to speak at a symposium on Alabama's aviation future.⁴⁷ Wallace agreed to use his influence to help Katopodis draw the Secretary to the conference.⁴⁸ Wallace informed Katopodis that Rodney Slater would replace Peña once President Clinton was reelected.⁴⁹ Wallace contacted Katopodis at least eight times in late September and early October of 1996.⁵⁰ He advised Katopodis to talk to Wallace's "friend at the White House,"⁵¹ Bob Nash, the Director of Presidential Personnel.⁵²

³⁹ DOJ Document Production FBI-RC-0000166 (Council of Cooperating Governments Brochure) (Exhibit 9)

⁴⁰ DOJ Document Production FBI-RC-0000020 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁴¹ DOJ Document Production FBI-RC-0000091 (Symposium Schedule, June 27, 1997) (Exhibit 11).

⁴² See DOJ Document Production FBI-RC-0000011 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁴³ DOJ Document Production FBI-RC-0000020 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁴⁴ *Id.*

⁴⁵ See DOJ Document Production FBI-RC-0000011 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁴⁶ See DOJ Document Production FBI-RC-0000024 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁴⁷ Telephone Interview with John Katopodis (Sept. 5, 2001).

⁴⁸ See DOJ Document Production FBI-RC-0000147 (Fax from Larry Wallace, to John Katopodis (Sept. 24, 1996)) (Exhibit 12).

⁴⁹ Telephone Interview with John Katopodis (Sept. 5, 2001).

⁵⁰ See DOJ Document Production FBI-RC-0000147 (Fax from Larry Wallace, to John Katopodis (Sept. 24, 1996)) (Exhibit 12); DOJ Document Production FBI-RC-0000200-01 (Fax from Larry Wallace, to John Katopodis (Oct. 1, 1996)) (Exhibit 13); DOJ Document Production FBI-RC-0000191 (Fax from Larry Wallace, to John Katopodis (Oct. 2, 1996)) (Exhibit 14); DOJ Document Production FBI-RC-0000162 (Fax from Larry Wallace, to John Katopodis (Oct. 9, 1996)) (Exhibit 15); DOJ Document Production FBI-RC-0000146 (Fax from Larry Wallace, to John Katopodis (Oct. 11, 1996)) (Exhibit 16); DOJ Document Production FBI-RC-0000169 (Fax from Larry Wallace, to John Katopodis (Oct. 12, 1996)) (Exhibit 17); DOJ Document Production FBI-RC-0000159 (Telephone message from Larry Wallace, to John Katopodis (Oct. 14, 1996)) (Exhibit 18); DOJ Document Production FBI-RC-0000168 (Fax from Larry Wallace, to John Katopodis (Oct. 15, 1996)) (Exhibit 19).

⁵¹ DOJ Document Production FBI-RC-0000146 (Fax from Larry Wallace, to John Katopodis (Oct. 11, 1996)) (Exhibit 16).

⁵² DOJ Document Production FBI-RC-0000200-01 (Fax from Larry Wallace, to John Katopodis (Oct. 1, 1996)) (Exhibit 13).

All White House liaisons reported directly to Nash, and Wallace promised that the transportation liaison would have an answer for Katopodis soon.⁵³

On November 5, 1996, Katopodis attended an election night party hosted by Wallace in Little Rock. At the election night party — the same party where Roger Clinton informed George Locke that President Clinton had advised him to make the most of his last four years in office⁵⁴ — Wallace introduced Katopodis to individuals Wallace described as “financial heavy hitters” and “friends of Bill.”⁵⁵ Among these individuals was a former state senator whom Wallace introduced as “Roger Clinton’s mentor and closest associate,”⁵⁶ likely George Locke.⁵⁷ Roger Clinton had apparently enlisted Locke’s assistance because Locke lobbied for Roger’s employment during the election night party.⁵⁸ Locke was not the only one trying to find Roger Clinton gainful employment. After the party, Wallace and Katopodis continued to discuss the airport issue.⁵⁹ During one of these conversations, Wallace told Katopodis that his close personal friend, President Clinton, was concerned about his “baby brother’s” lack of employment and income.⁶⁰ According to Wallace, the President tasked him with finding some type of job for Roger.⁶¹ Wallace wanted to follow the President’s directive and asked Katopodis if they could meet in Washington to discuss a possible contract for Roger.⁶² To lure him to the nation’s capital, Wallace even offered Katopodis the opportunity to spend a night in the Lincoln Bedroom of the White House.⁶³ Katopodis declined the invitation.⁶⁴

Katopodis wanted to define and formalize Clinton’s responsibilities before signing a contract for his services.⁶⁵ Katopodis also wanted to ensure that Clinton’s responsibilities passed ethical and legal standards of conduct and could not be construed as influence peddling.⁶⁶ In fact, Katopodis offered to hire Wallace, instead of Clinton, to avoid these concerns.⁶⁷ Wallace stated that he could not guarantee the Secretary’s appearance and would not be acting as an attorney, but he did offer Clinton’s access “thrown in as a bonus.”⁶⁸ Katopodis rejected this

⁵³ See DOJ Document Production FBI-RC-0000162 (Fax from Larry Wallace, to John Katopodis (Oct. 9, 1996)) (Exhibit 15).

⁵⁴ See n.7 and accompanying text.

⁵⁵ See DOJ Document Production FBI-RC-0000020 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁵⁶ Telephone Interview with John Katopodis (Sept. 5, 2001).

⁵⁷ See Letter from Mark F. Hampton, Partner, Hampton and Larkowski, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

⁵⁸ See Telephone Interview with Larry Wallace (Aug. 27, 2001).

⁵⁹ DOJ Document Production FBI-RC-0000021 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁶⁰ See *id.*; DOJ Document Production FBI-RC-0000012 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁶¹ *Id.*

⁶² See DOJ Document Production FBI-RC-0000021 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁶³ See *id.* Wallace extended this invitation before the Lincoln Bedroom scandal became public.

⁶⁴ *Id.*

⁶⁵ See *id.* at FBI-RC-0000022.

⁶⁶ See Telephone Interview with John Katopodis (Sept. 5, 2001).

⁶⁷ See *id.*

⁶⁸ *Id.*

proposal because he wanted to hire Wallace only in his capacity as an attorney.⁶⁹ In future conversations, Wallace returned the focus of contract discussions to finding Roger employment as the President directed.⁷⁰

When Katopodis asked Wallace to place a figure on Roger Clinton's services, Wallace suggested that \$30,000–\$35,000 per month would be sufficient.⁷¹ Katopodis asserted that the Council of Cooperating Governments could not possibly afford to pay Clinton such an inordinate amount.⁷² Moreover, Katopodis was understandably suspicious of this proposal because he had never spoken with Roger Clinton⁷³ and was beginning to doubt whether Wallace was actually as “connected” to the Clinton Administration as he claimed.⁷⁴ These doubts were dispelled, however, when Roger Clinton personally telephoned Katopodis.⁷⁵ During the call, Clinton and Katopodis discussed the \$35,000 per month contract.⁷⁶ In return for such a large fee, Clinton offered to “open a lot of doors” for the Council.⁷⁷ The President's brother gave Katopodis his pager number and his telephone and fax numbers in Farmer's Branch, Texas.⁷⁸ Clinton was aware of contract details that Wallace and Katopodis had discussed, which convinced Katopodis of Wallace's close relationship with Clinton.⁷⁹

Following their introductory conversation, Katopodis and Clinton discussed a possible business relationship on several occasions.⁸⁰ Katopodis maintained that having the Secretary of Transportation as a guest speaker was not worth hiring Clinton for \$35,000 per month.⁸¹ As Katopodis later told *Newsweek*, the \$35,000-per-month contract was “a pretty big consulting fee for someone who plays in a rock band.”⁸² Katopodis asked Clinton to create a list of tasks with a reasonable amount of money assigned to each task before the Council could make a financial

⁶⁹ *Id.*

⁷⁰ See DOJ Document Production FBI-RC-0000022 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁷¹ See *id.*; Telephone Interview with John Katopodis (Sept. 5, 2001). In this interview, Katopodis stated that Wallace proposed a contract for Roger at \$30,000 per month. See *id.* When the FBI interviewed Katopodis in May 1997, soon after these events occurred, he stated that Wallace proposed a contract for Roger at \$35,000 per month. See DOJ Document Production FBI-RC-0000022 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁷² See *id.*

⁷³ See Telephone Interview with John Katopodis (Sept. 5, 2001).

⁷⁴ DOJ Document Production FBI-RC-0000022 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁷⁵ See *id.*; Telephone Interview with John Katopodis (Sept. 5, 2001).

⁷⁶ DOJ Document Production FBI-RC-0000022 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁷⁷ See Bob Johnson, *Former Birmingham Official Says FBI Probed Clinton's Half-Brother Over Job Query*, ASSOCIATED PRESS, Feb. 22, 2001.

⁷⁸ See DOJ Document Production FBI-RC-0000035 (Roger Clinton Contact Information (Exhibit 20)). Roger Clinton was likely visiting his wife's family who live in Farmer's Branch, Texas.

⁷⁹ See DOJ Document Production FBI-RC-0000022 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁸⁰ See *id.* at FBI-RC-0000023.

⁸¹ See *id.*

⁸² Michael Isikoff and Daniel Klaidman, *His Brother's Keeper*, NEWSWEEK, Feb. 26, 2001, at 33.

commitment.⁸³ The potential conflict of interest between having the President's brother lobby the Secretary of Transportation for the Council concerned Katopodis.⁸⁴

Another concern disturbing Katopodis was the relationship between Wallace and Clinton.⁸⁵ Clinton clarified Wallace's role by declaring that Wallace had no influence that did not "drive directly through me."⁸⁶ Clinton continued that he was tired of doing favors without being recognized or compensated.⁸⁷ Clinton then asked Katopodis to meet him in Redondo Beach, California, because Clinton wanted to avoid further discussions over the telephone.⁸⁸ The conversation concluded with Clinton saying that he and his brother had "only four years to get things done" and did not care about "ethics or what appearances were."⁸⁹

A few minutes after this telephone call, Wallace contacted Katopodis and expressed frustration over the difficulty in formalizing a contract between Clinton and the Council.⁹⁰ Wallace reiterated his demand for a one-month's payment to Clinton and informed Katopodis that the airport project would remain at a standstill until Katopodis "showed him the money."⁹¹ After Wallace's not-so-veiled threat to block Katopodis' efforts with Secretary of Transportation Rodney Slater, Katopodis made no progress on attracting the Secretary to the aviation seminar as Wallace promised.

While negotiating with Wallace and Clinton, Katopodis concurrently continued his individual efforts to have Secretary Slater speak at the seminar.⁹² In a December 19, 1996, letter, Katopodis congratulated Slater on his selection as Secretary, explained the purpose of the symposium, and invited him to give the keynote address.⁹³ The Secretary responded one month

⁸³ DOJ Document Production FBI-RC-0000012 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁸⁴ See Telephone Interview with John Katopodis (Dec. 17, 2001).

⁸⁵ See DOJ Document Production FBI-RC-0000021 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁸⁶ See DOJ Document Production FBI-RC-0000012 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁸⁷ DOJ Document Production FBI-RC-0000023 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁸⁸ See *id.*

⁸⁹ *Id.* Katopodis recorded some of his telephone conversations with Roger Clinton once the situation became "stickier." Telephone Interview with John Katopodis (Sept. 5, 2001). Due to the passage of several years, Katopodis cannot locate these tapes and believes that they may have been turned over to the FBI. If the FBI has possession of these tapes, they should have been provided to the Committee based on the Committee's request to the FBI for "[a]ll records relating to any criminal investigation relating to the relationship between Roger Clinton, Arkansas lawyer Larry Wallace, and Birmingham, Alabama, businessman John Katopodis." Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to the Honorable John Ashcroft, Attorney General, Department of Justice (Mar. 14, 2001) (within Appendix I).

⁹⁰ See DOJ Document Production FBI-RC-0000012 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

⁹¹ See *id.*

⁹² See *id.* at FBI-RC-0000013.

⁹³ DOJ Document Production FBI-RC-0000076 (Letter from John Katopodis, to Rodney Slater, Federal Highway Administrator, Department of Transportation (Dec. 19, 1996)) (Exhibit 21).

later to Katopodis' congratulatory wishes without mentioning the conference.⁹⁴ On February 24, 1997, Katopodis sent a fax to the Secretary's office reminding them of the invitation and requesting an answer.⁹⁵ Katopodis then called the Secretary's office several times to determine whether an answer was forthcoming.⁹⁶ The Secretary refused to give Katopodis an answer — not even a “no” — for nearly four months,⁹⁷ so he tried a different strategy by establishing a deadline for the Secretary's response in a letter dated April 11, 1997.⁹⁸ The deadline passed without a word from the Secretary.

Upon hearing that the Secretary was considering a separate speaking engagement in Birmingham, Katopodis faxed another letter on April 28, 1997, requesting to be included on the Secretary's schedule.⁹⁹ The Council again received no response. On May 7, 1997, Katopodis called Slater's scheduler, Vonnie Robinson, and expressed his suspicion that Clinton and Wallace had urged the Secretary's office not to respond while contract discussions were ongoing.¹⁰⁰ Robinson told Katopodis that this was not the case but did acknowledge knowing who Roger Clinton and Wallace were.¹⁰¹ After speaking with Robinson, Katopodis received a brusque telephone call later that day from Catherine Grunden, Secretary Slater's Director of Scheduling and Advance.¹⁰² Grunden immediately launched into a monologue stating that the Secretary's office disclaimed any connection with Roger Clinton or Larry Wallace.¹⁰³ If Katopodis still was not satisfied, Grunden advised him to turn over any allegations of wrongdoing to the proper authorities.¹⁰⁴ Katopodis indicated his understanding and hung up.¹⁰⁵ Following this unsolicited telephone call, Katopodis faxed Robinson a letter on May 8, 1997, in which he wrote:

I can't begin to tell you how disgusted I am with this whole matter. If it is the normal policy of your office to not respond to written requests from established

⁹⁴ See DOJ Document Production FBI-RC-0000041 (Letter from Rodney Slater, Federal Highway Administrator, Department of Transportation, to John Katopodis (Jan. 22, 1997)) (Exhibit 22).

⁹⁵ DOJ Document Production FBI-RC-0000104 (Fax from John Katopodis, to Peg Weathers, Deputy Scheduler for Rodney Slater, Department of Transportation (Feb. 24, 1997)) (Exhibit 23).

⁹⁶ DOJ Document Production FBI-RC-0000089 (Letter from John Katopodis, to Eddie Carazo, Scheduling Assistant for Rodney Slater, Department of Transportation (Apr. 11, 1997)) (Exhibit 24).

⁹⁷ See DOJ Document Production FBI-RC-0000023 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

⁹⁸ See DOJ Document Production FBI-RC-0000089 (Letter from John Katopodis, to Eddie Carazo, Scheduling Assistant for Rodney Slater, Department of Transportation (Apr. 11, 1997)) (Exhibit 24).

⁹⁹ See DOJ Document Production FBI-RC-0000090 (Letter from John Katopodis, to Vonnie Robinson, Scheduler for Rodney Slater, Department of Transportation (Apr. 28, 1997)) (Exhibit 25).

¹⁰⁰ See DOJ Document Production FBI-RC-0000023 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

¹⁰¹ *Id.*

¹⁰² See DOJ Document Production FBI-RC-0000013 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

¹⁰³ See DOJ Document Production FBI-RC-0000023 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

¹⁰⁴ *Id.* at FBI-RC-0000024.

¹⁰⁵ *Id.*

organizations, then perhaps I am wrong in my assumptions about the lack of response being tied to an attempt at extortion.¹⁰⁶

Grunden's was not the only odd telephone call Katopodis received while trying to schedule Secretary Slater's appearance. On April 16, 1997, Katopodis reached out to his local Congressman, Representative Earl Hilliard, to ask for his advice and assistance in solving this problem.¹⁰⁷ On May 14, 1997, less than one week after Katopodis' letter to Robinson, Congressman Hilliard's staff member cryptically told Katopodis that the Congressman had received a call "from the highest level" concerning this matter.¹⁰⁸ The staff member told Katopodis that he had "been bad again" and that he should stop incriminating Roger Clinton and Larry Wallace.¹⁰⁹ This conversation, in addition to Grunden's telephone call and the Secretary's absolute lack of response, reinforced Katopodis' conclusion that Clinton and Wallace were obstructing any progress on the airport project.

On May 16, 1997, the Federal Bureau of Investigation contacted Katopodis regarding this matter.¹¹⁰ Agents from the FBI asked Katopodis to wear a wire in a meeting with Wallace or Clinton.¹¹¹ Katopodis declined to wear a wire because he had friends in both political parties and feared a political backlash if he fully pursued an investigation.¹¹² Nevertheless, Katopodis participated in one face-to-face meeting and two full telephone interviews with the FBI,¹¹³ and provided FBI agents with all of his documents regarding Wallace and Clinton.¹¹⁴

Referring to the FBI's handling of this information as an "investigation" may be a misnomer. Notwithstanding the facts that Katopodis submitted to multiple interviews, possessed incriminating recordings of conversations with Roger Clinton, and provided hundreds of pages of documentation supporting his allegations, the Committee has been unable to obtain any evidence that the FBI ever interviewed Larry Wallace or Roger Clinton regarding this incident. Katopodis described the FBI as not "follow[ing] up with any sort of intensity."¹¹⁵ Without aggressive pursuit by the FBI, the investigation effectively died.¹¹⁶

¹⁰⁶ DOJ Document Production FBI-RC-0000088 (Letter from John Katopodis, to Vonnie Robinson, Scheduler for Secretary Rodney Slater, Department of Transportation (May 8, 1997)) (Exhibit 26).

¹⁰⁷ See DOJ Document Production FBI-RC-0000013 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8); DOJ Document Production FBI-RC-0000101 (Fax from John Katopodis, to Ken Mullinax, Staff Assistant, Office of the Honorable Earl Hilliard (Apr. 16, 1997)) (Exhibit 27).

¹⁰⁸ See DOJ Document Production FBI-RC-0000013 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

¹⁰⁹ See *id.*

¹¹⁰ DOJ Document Production FBI-RC-0000020 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

¹¹¹ Telephone Interview with John Katopodis (Dec. 17, 2001).

¹¹² DOJ Document Production FBI-RC-0000013 (Summary of Interview with John Katopodis, May 21, 1997) (Exhibit 8).

¹¹³ See *id.* at FBI-RC-0000011-13; DOJ Document Production FBI-RC-0000020-24 (Summary of Interview with John Katopodis, May 16, 1997) (Exhibit 10).

¹¹⁴ See Telephone Interview with John Katopodis (Dec. 17, 2001).

¹¹⁵ *Id.*

¹¹⁶ See Michael Isikoff and Daniel Klaidman, *His Brother's Keeper*, NEWSWEEK, Feb. 26, 2001, at 33.

The airport project met a similar fate. Katopodis severed his ties with Clinton and Wallace in Spring 1997,¹¹⁷ but he continued as director for the Council of Cooperating Governments. Support for the airport and its promotional symposium lost all momentum because of the delay in receiving a response from the Secretary. In fact, the Secretary never responded to Katopodis' series of invitations or pleas for an answer. Larry Wallace and Roger Clinton apparently ensured that no answer would be forthcoming as long as Katopodis was unwilling to pay their price.

Roger Clinton's dealings with John Katopodis served as a harbinger of things to come in 1998–2001. Clinton would use his status as the President's brother to obtain even larger payments, lobbying for parole and pardons of convicted criminals, including a member of the Gambino crime family. Moreover, Roger Clinton's lobbying efforts in these other areas would show no more subtlety than did his crude dealings with Katopodis.

II. THE GAMBINO PAROLE AND PARDON EFFORTS

While Roger Clinton lobbied for executive clemency for a number of unsavory and undeserving individuals, none was as unsavory as Rosario Gambino. Gambino was a major organized crime figure serving a 45-year prison sentence for heroin trafficking. It is difficult to believe that anyone, much less the brother of the President, would lobby for parole or clemency for an individual like Gambino. Indeed, Roger Clinton's involvement in this matter can be explained only by the fact that he received \$50,000 from the Gambinos and was promised even more money.

A. Rosario Gambino's Involvement with Organized Crime

At 20 years of age in 1962, Rosario "Sal" Gambino was arrested on immigration charges and deported to Italy.¹¹⁸ At some point, however, this son of a Sicilian butcher¹¹⁹ returned to the United States and, between the ages of 27 and 38, was arrested three times on charges ranging from possession of a dangerous weapon to assault and extortion.¹²⁰ Then in 1980, he was arrested for conspiracy to import heroin after police in Milan, Italy, confiscated 91 pounds of heroin valued at \$60 million destined for the United States.¹²¹ Although acquitted in the United States, Gambino was tried *in absentia* (with representation by counsel) in Italy, convicted, and sentenced to 20 years in prison.¹²²

Without being extradited to serve any time in Italy, Gambino was arrested yet again in the United States in March 1984 and was convicted of conspiracy to distribute heroin, use of a communication facility to distribute heroin, and possession with intent to distribute heroin.¹²³ Following his conviction in October 1984, Gambino was sentenced to 45 years in prison, which

¹¹⁷ See Telephone Interview with John Katopodis (Dec. 17, 2001).

¹¹⁸ USPC Document Production 00067 (Pre-sentence Report, U.S. v. Gambino (D.N.J. Nov. 20, 1984)) (Exhibit 28).

¹¹⁹ Roger Clinton Document Production RCC0096 (Hearing Transcript, USPC) (Exhibit 29).

¹²⁰ USPC Document Production 00067 (Pre-sentence Report, U.S. v. Gambino (D.N.J. Nov. 20, 1984)) (Exhibit 28).

¹²¹ *Id.*

¹²² *Id.* at 00068.

¹²³ *Id.* at 00038.

he has been serving since December 6, 1984.¹²⁴ Throughout his incarceration, Gambino has failed to take responsibility for his crimes, has maintained his innocence, and has vigorously pursued every possible avenue of appeal including arguments that he was entrapped, that he was denied his Sixth Amendment right to effective assistance of counsel, and that he was the victim of racial discrimination. Yet, his conviction, sentence, and denials of parole have withstood every legal challenge.

In January 1984, two of Gambino's relatives and co-conspirators, Anthony Spatola and Antonio Gambino, were seeking to sell heroin. Unknown to them, the prospective buyer was an undercover FBI agent. In intercepted phone conversations, Anthony Spatola and Antonio Gambino discussed Rosario Gambino and the heroin deal in code.¹²⁵ They referred to the heroin as a "car" and to Rosario as the "short guy."¹²⁶ The intercepts made it plain that Rosario Gambino was in a leadership role in the conspiracy. The first transaction was completed in a room at Caesar's Boardwalk Regency Hotel in Atlantic City.¹²⁷ A call was placed from the room to Rosario Gambino's residence and immediately after leaving the hotel, the co-conspirators drove to his residence to pay him his proceeds from the deal.¹²⁸ The undercover agent continued to communicate with Antonio Gambino in an attempt to negotiate a second transaction.¹²⁹ The FBI intercepted several additional phone calls related to a second sale of heroin to the undercover agent and involving Rosario Gambino or referring to him in code, such as "Saruzzo" and "the short one."¹³⁰ The undercover agent eventually completed a second purchase of a half-kilogram of heroin for \$120,000.¹³¹ When Rosario Gambino was arrested in March 1984, a search of his master bedroom uncovered two of the \$100 bills the agent had used to purchase the heroin.¹³²

Throughout his attempts to obtain parole, Rosario Gambino has claimed that authorities treated him unfairly merely because of his infamous name. In his initial parole hearing, Gambino denied his guilt and implied that he was a victim of either mistaken identity or prejudice:

Hearing Officer: Now, what the government writes is that you were involved in a large-scale heroin distribution ring. You've told me that you didn't have anything to do with this whatsoever. What do you think caused the jury to believe that you were involved with the other guys. What do you think would cause the jury to convict you?

¹²⁴ USPC Document Production 00075 (Progress Report, Federal Bureau of Prisons, Jan. 4, 2001) (Exhibit 30).

¹²⁵ *U.S. v. Gambino*, 788 F.2d 938 at 942 (1986).

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

Gambino: Because number one is my name. Because see, they [built] this name like [a] big building[.] I'm not, I'm not the name they're looking for.

Hearing Officer: Who they [sic] looking for?

Gambino: I don't know. They looking [sic] for some big name.¹³³

Prosecutors have maintained that Rosario Gambino is a relative of the 1950s-era “boss of bosses,” Carlo Gambino, the man for whom the Gambino crime family is named. Reports by special organized crime task forces in two states, Pennsylvania and New Jersey, linked Rosario Gambino to the Gambino crime family,¹³⁴ and regulators banned him from Atlantic City casinos.¹³⁵

Rosario Gambino's representatives, however, have argued that he is not related to members of the Gambino crime family and that claims to the contrary were unsubstantiated. However, the transcript of one of Rosario Gambino's parole hearings seems to indicate that Rosario Gambino himself believes his grandfather may have been related to the 1950s mob boss:

Hearing Officer: Is there any family connection between those people — between he and Carlo Gambino?

Lawyer: There is none.

Hearing Officer: I just want it for the record.

Lawyer: The report tries to make an unsubstantiated allegation of some tie on Mr. Gambino's part to —

Gambino: Excuse me, there was a my grandfather, grandfather relative — I don't know. Maybe, I don't know.¹³⁶

Regardless of whether or how closely Gambino is related to the notorious family whose name he shares, members of his immediate family have admitted to being involved in organized criminal

¹³³ Roger Clinton Document Production RCC0057–58 (Hearing Transcript, USPC) (Exhibit 31).

¹³⁴ PENNSYLVANIA CRIME COMMISSION, A DECADE OF ORGANIZED CRIME 70–72 (1980), NEW JERSEY STATE COMMISSION OF INVESTIGATION, TWELFTH ANNUAL REPORT 15 (1980).

¹³⁵ Division of Gaming Enforcement, New Jersey Department of Law and Public Safety, “Exclusion List,” <<http://www.state.nj.us/lps/ge/exclude2.htm>> (exclusion ordered Oct. 30, 1987).

¹³⁶ Roger Clinton Document Production RCC0092 (Hearing Transcript, USPC) (Exhibit 29). At another hearing, Gambino made separate statement, which could be construed as a denial of a relationship to Carlo Gambino:

Hearing Officer: Let's put the cards on the table.

Gambino: Go ahead.

Hearing Officer: Carlo Gambino. What relationship are you to Carlo Gambino?

Gambino: No relationship. No because I refuse him to be my cousin or something like that.

Roger Clinton Document Production RCC0057–58 (Hearing Transcript, USPC) (Exhibit 31).

activity. Rosario's brothers, Giovanni "John" Gambino and Giuseppe "Joe" Gambino pled guilty in January 1994 to charges of racketeering, murder, illegal gambling, loan sharking, and heroin trafficking.¹³⁷ Witnesses had testified in court that John and Joe Gambino were the "main link between Mafia heroin traffickers in Sicily and the American Mafia."¹³⁸ The media also described John Gambino as a "capo" in John Gotti's organization, the Gambino crime family.¹³⁹

Not only were Rosario Gambino's brothers known associates of Gambino crime family members, but Rosario himself was as well. He was a close friend with Philadelphia mob boss Angelo Bruno, and police surveillance revealed that Bruno often met New York underboss Paul Castellano at the Valentino's supper club,¹⁴⁰ which was owned by Rosario Gambino.¹⁴¹ Castellano later became boss of the Gambino crime family, until John Gotti had him assassinated and became boss in December 1985.¹⁴²

In addition to his ties to the U.S. Mafia, Rosario Gambino is also alleged to be an associate of well-known members of the Sicilian Mafia:

When Tommaso Buscetta, a Sicilian Mafia boss from Palermo, needed to hide his ex-wife and daughter in America, Rosario Gambino took the women in. A few years later, Buscetta fled a violent mob war in Sicily and settled in Brooklyn, where he often hung out with the Gambino brothers as well as Carlo Gambino.¹⁴³

A letter to the Parole Commission advocating Gambino's release also confirms Rosario Gambino's association with Buscetta. The letter refers to statements by Buscetta that he knew Gambino and his brothers but claimed that they were not a part of organized crime.¹⁴⁴ Parole Commission documents and news reports also refer to Rosario Gambino's role in the phony kidnapping of Michele Sindona, an international banker and money launderer for the Sicilian Mafia.¹⁴⁵ After being indicted in both the U.S. and Italy in 1979 for bank fraud involving more than \$400 million,¹⁴⁶ Sindona disappeared and friends claimed he had been kidnapped.¹⁴⁷ During the sham kidnapping, Sindona flew to Sicily accompanied by Rosario Gambino's brother, Giovanni, and when he returned to the U.S., Rosario Gambino met him at JFK airport.¹⁴⁸

¹³⁷ Selwyn Raab, *Two Admit Importing Heroin for Mafia Crime Family*, N.Y. TIMES, Jan. 7, 1994.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton's Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001.

¹⁴¹ USPC Document Production 00499 (Pre-hearing Assessment, Feb. 3, 1994) (Exhibit 32).

¹⁴² Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton's Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001.

¹⁴³ *Id.*

¹⁴⁴ USPC Document Production 00758 (Letter from Edward S. Panzer, to Hearing Examiner (Sept. 25, 1995)) (Exhibit 33).

¹⁴⁵ Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton's Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001.

¹⁴⁶ USPC Document Production 00925 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Marie Ragghianti, Chief of Staff (Dec. 30, 1997)) (Exhibit 34).

¹⁴⁷ Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton's Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001.

¹⁴⁸ *Id.*

Giovanni Gambino and Michele Sindona were arrested in Italy for aggravated extortion in connection with this incident.¹⁴⁹

Moreover, a 1995 report issued by the New Jersey State Commission of Investigation refers to evidence that Rosario Gambino was not merely a relative and associate of members of the Mafia. The report details the testimony of Philip Leonetti, whom it describes as “a former, high-ranking La Cosa Nostra member” and the “underboss and confidant to his uncle Nicodemo Scarfo, the boss of the Southeastern Pennsylvania-South Jersey Family of La Cosa Nostra, commonly referred to as the Scarfo Family.”¹⁵⁰ The report also makes a distinction between being a member of La Cosa Nostra (the American Mafia) and being a member of the Sicilian Mafia:

Leonetti learned from Scarfo that John Gambino was a La Cosa Nostra member in the Gambino Family. Gambino and Leonetti were later introduced to each other as “amico nostra” by Nicholas “Nick” Russo at a sit-down at an Atlantic City restaurant in approximately 1983. Russo was a member of the Gambino Family who lived in the Trenton, N.J., area. The words “amico nostra” mean “friend of ours.” If a La Cosa Nostra member introduces two people as “amico nostra,” it lets each know that the other is a La Cosa Nostra member. The words are only used when introducing La Cosa Nostra members to each other. [Rosario “Sal” Gambino [however,] was a member of the Sicilian Mafia.

Scarfo told Leonetti that sometime in the 1970s, he was introduced to Sal Gambino as “amico nostra” by [Philadelphia crime boss] Angelo Bruno. Because of the way that Bruno introduced Sal Gambino to Scarfo, Scarfo and Leonetti always thought that he was a member of La Cosa Nostra. It wasn’t until January or February of 1986, when Scarfo and Leonetti first met John Gotti after he became the boss of the Gambino Family, that they found out that Sal Gambino wasn’t a member of La Cosa Nostra. Gotti informed Scarfo and Leonetti that Gambino was a member of the Sicilian Mafia, not La Cosa Nostra.¹⁵¹

Italian authorities also allege that Rosario Gambino and his brothers were members of the Sicilian Mafia, so-called “men of honor,” at the time he entered the United States.¹⁵² Given all these circumstances, prosecutors’ allegations against Gambino seem well founded. Rosario Gambino appears to be more than merely associated with mobsters; the evidence suggests that he is himself a “made man.” As one New Jersey investigator put it, “[t]o call Rosario Gambino a

¹⁴⁹ *Spatola v. United States*, 741 F. Supp. 362, 377 (E.D.N.Y. 1990).

¹⁵⁰ NEW JERSEY STATE COMMISSION OF INVESTIGATION, ORGANIZED CRIME IN BARS, PART II 1 (1995).

¹⁵¹ *Id.*

¹⁵² Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton’s Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001. Moreover, the body of an execution-style murder victim was found in the trunk of a car belonging to Erasmo Gambino, a cousin, co-conspirator, and fellow leader with Rosario Gambino in the heroin distribution ring that led to his incarceration. The body was that of Pietro Inzerillo, Gambino’s cousin and partner in his pizzeria business. While Erasmo Gambino was never implicated in the murder and a court found that it could not be considered as factor in denying Erasmo’s parole request, it is nevertheless worth noting as an example of the kind activity surrounding Rosario Gambino and his associates. *See Gambino v. Morris*, 134 F.3d 156 at 162 (1998).

mob associate is like saying John Gotti was just a street corner thug. Rosario and his brothers were some of the most important Sicilian Mafiosi to ever operate in this country.”¹⁵³

B. The U.S. Parole Commission’s Handling of Rosario Gambino’s Case

At Rosario Gambino’s initial parole hearing in February 1995, the hearing officer recommended a release date of July 15, 1996.¹⁵⁴ As Hearing Examiner Harry Dwyer explained at the time, however, this was merely a recommendation subject to review by the U.S. Parole Commission:

I’m going to take it to 148 months, recommend that you get a date of July 15[.] You’ve been in custody since March 16 of ‘84. Twelve years and four months, 148 months, that would be — July 15. I’m going to tell you, I do not believe it’s going to come back any less than that. It could come back more. They could disagree with me and push you way down the road. So don’t pack your bags.¹⁵⁵

Although Dwyer set a presumptive parole date, he noted that Gambino had not taken full responsibility for his crimes:

After careful consideration of subject’s statements and information contained in the pre-sentence report this examiner believes that there is more credible evidence that subject did in fact engage in the activities as described in the pre-sentence report and that subject’s statements [of denial] are self-serving. Thus, this examiner has concluded by the preponderance of evidence that subject did in fact engage in a Category eight offense behavior regarding the extremely large scale heroin distribution.¹⁵⁶

No other examiner or commissioner ever concurred with Dwyer’s initial recommendation of a July 1996 release date, and even Dwyer himself later repudiated it.¹⁵⁷

After Acting Regional Commissioner Jasper Clay reviewed the decision in March 1995, he referred it to the National Commissioners for original jurisdiction consideration and voted to require that Gambino serve out his entire sentence. Clay’s decision memorandum cited as factors in his decision both Gambino’s connections to organized crime and the leadership role he played in the heroin conspiracy that landed him in jail:

Although he was not convicted of racketeering or continuing criminal enterprise, the New Jersey and Pennsylvania crime commission reports indicate that Mr. Gambino is a soldier and descendant in the Organized Crime Family of the late mob boss, Carlo Gambino. The PSI further indicates that he, along with his

¹⁵³ Jim Barry, *Roger and Me: Rosario Gambino, Beneficiary of Roger Clinton’s Lobbying Largesse, has Local Roots*, PHILADELPHIA CITY PAPER, Sept. 6–13, 2001.

¹⁵⁴ USPC Document Production 00486 (Initial Hearing Summary, Feb. 16, 1995) (Exhibit 35).

¹⁵⁵ Roger Clinton Document Production RCC0068 (Hearing Transcript, USPC) (Exhibit 31).

¹⁵⁶ USPC Document Production 00486 (Initial Hearing Summary, Feb. 16, 1995) (Exhibit 35).

¹⁵⁷ USPC Document Production 00551 (Original Jurisdiction Appeal Summary) (Exhibit 36).

brother, Giuseppe, owned and operated pizza parlors in New York, Pennsylvania and Southern New Jersey to facilitate a continuing criminal enterprise[.]

The current conviction surrounds Mr. Gambino's heroin distribution activities between October 1983 and March 1984. The PSI indicates that our subject was the most culpable, holding a high managerial role in this scheme which centered around six individuals, all of whom were related. Mr. Gambino had the authority to determine who would be actively involved in the heroin negotiations and transactions and how the profits would be divided among the participants.

Specifically, he was involved in the arrangements to deliver ½ kilogram of heroin to undercover agents on two occasions. Also, 3 kilograms and later 2 kilograms of heroin were made available during negotiations and subject and his co-conspirators offered guarantees to supply 10 kilograms of heroin per month to the agents.¹⁵⁸

In April 1995, the full Commission agreed with Clay and rejected Dwyer's initial recommendation, voting to continue Gambino's case until a 15-year reconsideration hearing in March 2010.¹⁵⁹ Gambino appealed the decision, arguing the Commission did not have enough evidence of his reputed membership in organized crime to legitimately consider it as a factor in denying his parole. Ultimately, the Commission based its final decision on Gambino's actual conduct rather than on his associations.

It is not necessary for one to be a member of the specific group known as La Cosa Nostra or the Sicilian Mafia to be an organized crime figure of the type for whom early release would be inappropriate. Rather, it is enough that one demonstrate certain characteristics of a lifetime, career criminal who has the inclination and capacity to run a large-scale criminal enterprise upon release. Apart from his relatives, associations, and Sicilian Mafia membership, Rosario Gambino has himself engaged in behavior that invites scrutiny from those charged with combating organized crime — behavior that led to his conviction and incarceration. In denying his parole, officials at the U.S. Parole Commission relied on Gambino's own activities and leadership in the heroin trafficking scheme for which he was convicted, noting that he exhibited the characteristics of an organized crime boss:

It would appear that Rosario Gambino certainly has more extensive ties to organized criminals than his own circle of codefendants, but his status as a member of "organized crime" is not sufficiently clear to support a finding by the Parole Commission. . . . [However,] the Commission was persuaded that Rosario Gambino was, within his own circle, a traditional organized crime boss who operated through a reputation for violence, through evident corruption of local police, and through subordinates with close family ties of loyalty. . . . Gambino certainly has the background and behavioral characteristics of the career organized criminal, and it is reasonable to suppose that he knows no other way to

¹⁵⁸ USPC Document Production 00490 (Memorandum from Jasper R. Clay, Acting Regional Commissioner, to National Commissioners (Mar. 13, 1995)) (Exhibit 37).

¹⁵⁹ USPC Document Production 00480 (Continuation Order) (Exhibit 38).

succeed in life than through his “family business.” His connections within the world of organized crime would probably still be extensive upon release, and Gambino shows nothing in his makeup that would distinguish him from the familiar type of Mafioso who is not deterred even by long imprisonment from continuing the only career he knows. In particular, as long as Gambino continues to file appeals in which he denies his leadership role, and portrays himself as a simple first offender, it will be difficult for the Commission to find any basis for deciding that Gambino has the capacity to shake off his past, and discover a law-abiding way to make living.¹⁶⁰

There is no shortage of evidence to support the assertion that Gambino exhibited the characteristics of an organized crime boss by operating through a reputation for violence and corruption of local police. When he was arrested, Gambino was in possession of police surveillance documents relating to his own case, which the Commission considered to be significant circumstantial evidence that Gambino had a “a sophisticated ability to penetrate police operations.”¹⁶¹ Furthermore, an investigation by the Bureau of Alcohol Tobacco and Firearms in 1980 produced evidence implicating Rosario Gambino in two arsons:

[The arsons] appear related to efforts by Rosario and his brother, Guiseppe Gambino, to take over a pizza franchise in Cherry Hill, New Jersey. Rosario and his brother were observed at the scene of a pizza restaurant following the arson and shortly thereafter, the manager received a call and [was] told to close the store and return to New York. Two days later, the manager’s automobile was destroyed by a firebomb. Two days later, the manager received a telephone call and [was] threatened with death.¹⁶²

The Commission also relied on evidence that his subordinate co-conspirators deliberately promoted Rosario Gambino’s reputation for violence to undercover police agents during the commission of the crimes for which he was convicted.¹⁶³

Although Rosario Gambino’s lawyers argued in court that denial of his parole was motivated by prejudice based on his national origin, that claim was rejected by the United States Court of Appeals for the Ninth Circuit. The statement that allegedly indicated the bias was, “Gambino appears to come from an immigrant background in which family connections are simply exploited (as in the current offense) to get around the law.”¹⁶⁴ However, the court ruled that, “[Gambino’s] contention is devoid of merit. . . . The reference to Gambino’s ‘immigrant background’ in a Commission memorandum is insufficient to establish a due process violation. In sum, the Commission’s final decision was not tainted by ethnic bias.”¹⁶⁵ The court also

¹⁶⁰ USPC Document Production 00702–03 (Original Jurisdiction Appeal Summary) (Exhibit 39).

¹⁶¹ *Id.* at 00701–02.

¹⁶² USPC Document Production 00887 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Marie Ragghianti, Chief of Staff (Dec. 30, 1997)) (Exhibit 40).

¹⁶³ USPC Document Production 00702 (Original Jurisdiction Appeal Summary) (Exhibit 39)).

¹⁶⁴ *Id.*

¹⁶⁵ *Gambino v. United States Parole Comm’n*, 216 F.3d 1083 (9th Cir. Cal. 2000).

rejected Gambino's argument that his due process rights were violated when his offense severity rating was set higher than that of his co-defendants:

Differences between Gambino's offense severity rating and his codefendants' were justifiable in light of their differing roles in the heroin distribution conspiracy. Holding Gambino accountable for an amount of heroin greater than what was actually sold to government agents was supported by evidence establishing his ability and willingness to provide greater amounts.¹⁶⁶

Despite Gambino's claims to be a victim of prejudice because of his last name, the evidence is clear that he was indeed involved in organized criminal activity, and it is certainly reasonable to conclude that he was at least an associate, if not an outright member, of the Mafia. All of which made the denial of his request for early release the only conscientious, responsible course of action the U.S. Parole Commission could have taken.

C. Roger Clinton's Involvement in the Gambino Parole Effort

Tommaso "Tommy" Gambino is the 27-year old son of Rosario Gambino and a personal friend of Roger Clinton.¹⁶⁷ That the President's brother lobbied for the release of Rosario Gambino is troubling enough, but that he came to do so through a personal relationship with Tommy Gambino is positively alarming. According to Los Angeles law enforcement and press accounts, Tommy Gambino is not only the son of a mobster, he is a reputed underboss in the Los Angeles Mafia currently under investigation for his own criminal activity.¹⁶⁸ While Tommy Gambino purportedly runs a company called Progressive Telecom that places pay phones in bars, restaurants, and other businesses, his standard of living appears to be well beyond his visible means of support.¹⁶⁹ Like his father, Tommy Gambino associates closely with known mobsters; his partner in the pay phone business is Dominick "Donnie Shacks" Montemarano.¹⁷⁰ Montemarano was convicted in 1987 on racketeering, bribery, and extortion charges.¹⁷¹ The indictment described Montemarano as a captain in "the Colombo organized-crime family of La Cosa Nostra."¹⁷² He served 11 years of an 18-year sentence for his role in the scheme to obtain

¹⁶⁶ *Id.*

¹⁶⁷ Tommy Gambino, a resident of Los Angeles, should not be confused with the legendary Carlo Gambino's son, Thomas, a 72 year-old resident of New York. Through his lawyer, Michael Rosen, Thomas Gambino was quick to make this clear in the days following the public revelations of Roger Clinton's efforts on behalf of Tommy and Rosario. Rosen said, "my client had nothing to do with the low-rent, trailer-park trash politicians who infested our country for the past eight years." Al Guart, *Wiseguy Fires at 'Trashy' Clintons*, N.Y. POST, July 1, 2001.

¹⁶⁸ Telephone Interview with [name redacted], Detective, Los Angeles Police Department (June 28, 2001) (identity withheld due the sensitive nature of the detective's work). Tommy Gambino "is considered by Southern California organized crime investigators to be a rising star in the Los Angeles underworld." John L. Smith, *LAS VEGAS REVIEW JOURNAL*, June 29, 2001. "[T]he police and FBI . . . suspect young Gambino is a rising underboss in the Los Angeles La Cosa Nostra scene." John L. Smith, *Pardons Scandal Could Mean Congressional Heat for Gambino*, *LAS VEGAS REVIEW JOURNAL*, July 5, 2001. See also John L. Smith, *Will the Last Guy Left in L.A. Mob Please Turn Out the Lights?* *LAS VEGAS REVIEW JOURNAL*, Nov. 16, 1997 (indicating that Tommy Gambino was "sent West by father Rosario Gambino").

¹⁶⁹ Telephone Interview with [name redacted], Detective, Los Angeles Police Department (June 28, 2001).

¹⁷⁰ *Id.*

¹⁷¹ Arnold H. Lubasch, *2 Convicted of Racketeering in Mafia Construction Case*, N.Y. TIMES, July 18, 1987.

¹⁷² *Id.*

cash payments from New York City concrete companies in exchange for major construction projects.¹⁷³ In addition to Tommy Gambino's business partnership with a known mobster, law enforcement also suspected that he was involved in the distribution of the drug Ecstasy.¹⁷⁴ In October 2001, the investigation of a lab capable of producing up to 1.5 million tablets of Ecstasy per month was linked to Tommy Gambino:

Federal agents raided the lab Oct. 17 in an industrial park. During the yearlong investigation, authorities say they taped phone conversations between Derek Galanis [one of the defendants accused of building the lab] and Tommy Gambino, the son of a convicted drug trafficker. Federal authorities contend his father, Rosario Gambino, is an associate of the New York-based Gambino crime family.¹⁷⁵

While Tommy Gambino was not among the 24 defendants charged, prosecutors said that "members of the drug ring were attempting to seek financing for the Ecstasy lab from the Gambino family."¹⁷⁶

All these circumstances make Tommy Gambino's friendship with the brother of the President of the United States unseemly, to say the least. That friendship began when the manager for 70s pop star Gino Vanelli introduced Roger Clinton to Tommy Gambino sometime in the mid-1990s at a club in Beverly Hills.¹⁷⁷ The purpose of the introduction was so that Tommy could request Roger's help in obtaining his father's release from prison.¹⁷⁸ When FBI agents interviewed him regarding the Gambino case, Roger described how he was introduced to the matter:

The two most common questions he gets asked regularly are, "What is it like to be the President's brother? and Can you help me get someone out of jail?" Clinton stated after talking to Tommy Gambino he knew the reason for the introduction was to see if he could help Tommy Gambino get his father released from prison.¹⁷⁹

Despite the fact that Clinton was accustomed to requests to help get convicts out of prison, he became particularly enamored with the Gambino family. Clinton described to the FBI why he enthusiastically joined in the effort to secure Rosario Gambino's release:

Clinton advised that after he began to spend time with Tommy Gambino, he learned about the family and the efforts that they have made to get Tommy's father, Rosario, released from prison. They have hired very qualified attorneys

¹⁷³ Alan Abrahamson, *UCLA is Cleared after FBI Probe*, L.A. TIMES, Mar. 12, 1999. Following his release, Montemarano was the subject of an FBI investigation of point shaving by UCLA football players. *Id.*

¹⁷⁴ Telephone Interview with [name redacted], Detective, Los Angeles Police Department (June 28, 2001).

¹⁷⁵ Marisa Taylor, *Feds Link Ecstasy Case, Organized Crime; Escondido Wiretapping also Points to Trafficking in Kosovo*, SAN DIEGO UNION-TRIBUNE, Oct. 25, 2001.

¹⁷⁶ *Id.*

¹⁷⁷ DOJ Document Production FBI-RC-00001 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

and been through the appeal process. Clinton stated that he identified with Tommy Gambino on a number of levels and because of this, he became passionate about trying to help him get his father released.

Clinton stated that since Rosario Gambino has been in prison, Tommy has had to grow up without a father. Clinton advised that he, too, had grown up without a father, and sympathized with that position. Tommy Gambino has a close knit Italian family. Clinton stated that when he grew up in Arkansas he and his brother grew up close to an unnamed tight knit Italian family. He further stated that he has is [sic] own prison experience which has given him an insight to the prison system. Through his experience of being incarcerated, he claimed to have learned that things are not always as they appear or as they are reported.

Clinton advised that Tommy Gambino provided him with all the case files related to his father's case. He has spent hours reviewing all the files. Clinton stated that after his full review of the case, he does not believe that Rosario Gambino is being treated fairly. Rosario Gambino has served three years longer than the maximum guidelines for his offenses. He has been given release dates on two occasions and they have both been denied. The same person, whose name he declined to provide, has denied the release, and provided different reasons each time. Clinton further advised that he believes Tommy Gambino's father may be treated differently than other people strictly because of this name. Clinton advised that he too has experienced that problem. He stated that the name can be both a positive or negative depending on the circumstances.¹⁸⁰

When the Committee subpoenaed Clinton for all of his materials relating to Gambino, he provided approximately 130 pages of documents, many of which were apparently provided to him by Tommy Gambino. Most of these documents were transcripts and forms related to Rosario Gambino's parole.

After he conducted his "full review" of the Gambino case files, Roger Clinton decided to assist Gambino with his effort to obtain parole. Clinton described his decision to help Gambino to the FBI when they interviewed him in September 1999:

He [Clinton] told Tommy Gambino that he would not agree to help the family unless they provided him with all the information related to the case. Clinton told Tommy Gambino that he did not want any information withheld that might effect his decision to help the family. Gambino told Clinton if there is any information withheld from you, it was also being withheld from him (Tommy Gambino). Clinton stated he really felt for the family and grew passionate about trying to help them. He further advised that he told Tommy Gambino that by his providing assistance and making contact with the U.S. Parole Commission to seek assistance with this case, it could actually work against him. Clinton stated his

¹⁸⁰ *Id.* at FBI-RC-00002.

name will not necessarily be an advantage when it comes to fighting this matter. Gambino was willing to take the risk and have Clinton attempt to help.¹⁸¹

Given the assurances by Tommy Gambino to Roger Clinton — and by Clinton to the FBI — that Clinton had been provided with all of the relevant background information about Rosario Gambino, it is fair to conclude that Clinton was aware of the extent and seriousness of Rosario Gambino's criminal activity and mob ties, including: (1) Rosario Gambino's conviction for dealing heroin; (2) his Italian conviction for conspiracy to distribute \$60 million of heroin; (3) his role in extortion and arson in southern New Jersey; and (4) his involvement in a phony kidnapping to keep a Mafia money launderer from U.S. authorities.¹⁸² Despite his knowledge of some or all of these issues, Roger Clinton decided that he should lend his support to getting Rosario Gambino out of prison.

By Roger Clinton's own admission, he was frequently asked to help get people out of prison. Accordingly, it should be asked why he would decide to assist someone who was a member of organized crime, whose involvement in large-scale heroin dealing was beyond dispute, and who was reputed to be involved in a series of serious and violent crimes? If his motives were pure, then surely Roger could have chosen a more deserving case to champion from among all those who approached him for help. Despite Roger Clinton's efforts to convince the FBI that he assisted Gambino because he believed in the merits of his cause, and because he had known a close-knit Italian family growing up in Arkansas, the primary motivation for Roger Clinton was clearly money. Clinton confirmed this fact during his FBI interview:

Clinton was asked if he was ever given anything of value for his assistance in this matter. He advised he had not received anything for this assistance. Clinton stated that Tommy Gambino said if he (Clinton) could help get his father out of prison, "we will take care of you." Clinton said that he knows what that means. He stated "I'm not stupid, I understand what the big picture is." He again stated that no specific compensation was discussed if he were to be successful in obtaining Rosario Gambino's release. Clinton advised it was his understanding if he were successful, he would be financially compensated. Clinton is not sure however, if he will be able to help Tommy Gambino and his family.¹⁸³

Clinton admitted that the "big picture" included the expectation that the Gambinos would pay him for his work. What he did not admit, however, was that the Gambinos actually did pay him significant amounts of money. As discussed below, Tommy Gambino paid at least \$50,000 to Roger Clinton during the time that Clinton was trying to obtain parole or executive clemency for Rosario Gambino. Clinton was also provided with an unspecified amount of "expense money," as well as a gold Rolex, while he was working on the Gambino matter. This payment, and the promise of additional payments, likely had a great deal to do with Roger Clinton's willingness to disregard the clear evidence that Rosario Gambino was a career criminal and use his influence with the Clinton Administration to help get Gambino out of prison. Once Roger Clinton decided to help Gambino, the real question was whether his status as the President's brother would help

¹⁸¹ *Id.*

¹⁸² See n.145 and accompanying text.

¹⁸³ DOJ Document Production FBI-RC-00004 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

convince the Parole Commission to release Gambino or whether the Parole Commission would resent Clinton's attempts to lobby them. In fact, some members and staff on the Parole Commission attempted to assist Clinton, while others resisted his attempts to win the release of a major criminal.

1. Clinton's Contacts with the Parole Commission

a. Clinton's Initial Approach to the Parole Commission

Roger Clinton's lobbying on behalf of Rosario Gambino began in earnest in January 1996. He first contacted the U.S. Parole Commission's regional office in Kansas City, which had been the source of the recommendation to deny early release.¹⁸⁴ Apparently, Clinton spoke with Parole Commissioner Carol P. Getty and voiced his support for the parole of Rosario Gambino. Clinton also apparently told Getty that he planned on visiting her office in Kansas City on January 17 or 18, 1996, and asked if he could meet with her or her staff, and Getty agreed to a meeting between Clinton and her staff.¹⁸⁵ During this conversation, Clinton also mentioned that he was aware that the Kansas City Regional Office of the Parole Commission, of which Getty was the head, was scheduled to be closed.¹⁸⁶ Getty was concerned that Roger Clinton had this information, as it apparently made it appear that Roger Clinton was aware of some of the inner workings of the Parole Commission.¹⁸⁷

After Clinton had spoken to Getty, on January 16, 1996, Getty called Parole Commission headquarters in Maryland and spoke to Commissioner Michael J. Gaines regarding the Clinton call.¹⁸⁸ Getty related to Gaines the fact that Clinton had called about the Gambino case. Getty told Gaines that she had scheduled a meeting between Clinton and her staff to discuss the case. Getty also told Gaines that she was concerned that Clinton was aware of the planned closure of her regional Kansas City Parole Commission office and asked Gaines if he had spoken to Clinton about the closure.¹⁸⁹ Gaines said he had not, to his knowledge, ever spoken with Roger Clinton.¹⁹⁰

Following his conversation with Getty, Gaines notified the White House Counsel's Office of Roger Clinton's attempt to contact a Commission member about a pending case.¹⁹¹ The Commission's General Counsel, Michael A. Stover said that he had suggested to Gaines that he call the White House to "warn them about Roger Clinton."¹⁹² When interviewed by Committee staff, Gaines said his decision to contact the White House was "a spur of the moment

¹⁸⁴ USPC Document Production 00898 (Memorandum from Michael J. Gaines, Commissioner, to Sharon Gervasoni, Designated Agency Ethics Officer (Jan. 30, 1996)) (Exhibit 41).

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

decision” because of the appearance of impropriety.¹⁹³ He contacted someone in the Counsel’s office that he had known from Arkansas, Trey Schroeder. Gaines said he wanted to ensure that someone at the White House was aware that Roger Clinton had contacted the regional office about an inmate’s case.¹⁹⁴ Gaines told Schroeder that he did not intend to speak to Clinton, and Schroeder replied, “okay, thanks,” and that was the end of the conversation.¹⁹⁵

On January 17, 1996, Commissioner Getty again contacted Commissioner Gaines to inform him that Roger Clinton had contacted Rosario Gambino’s hearing examiner, Sam Robertson.¹⁹⁶ Clinton told Robertson he would not come to the Kansas City office as he had planned, but instead would contact the Parole Commission’s main offices in Maryland.¹⁹⁷ On January 30, 1996, he did so, leaving a message with a secretary for Commissioner Gaines.¹⁹⁸ The message slip read, “Roger Clinton, very important . . . ASAP, re: brother recommended meeting.”¹⁹⁹ Because Commissioner Gaines knew from Commissioner Getty that Roger Clinton was planning to contact him about the Gambino case and because he knew that any such contact would be improper, he consulted the General Counsel Michael Stover.²⁰⁰ Stover volunteered to contact Roger Clinton on behalf of Gaines to shield him from an inappropriate contact and to advise Clinton that such a contact would be inappropriate.²⁰¹

With the Parole Commission’s Deputy Designated Agency Ethics Officer (“DAEO”) Sharon Gervasoni present, Stover returned Roger Clinton’s phone call, describing it in detail in a memo dated the following day.²⁰² According to Stover’s memo, Roger Clinton immediately invoked his brother, President Clinton, saying not only that the President was aware of what Roger was doing but also that he was assisting Roger with strategy on the best way to achieve his objectives:

[Roger Clinton] began the conversation by informing me that his brother “[i]s completely aware of my involvement.” Roger Clinton stated that his brother had recommended to him that he not meet with Commissioner Getty . . . because Commissioner Getty’s Kansas City Regional Office was about to be closed. Roger Clinton informed me that his brother suggested that he contact Commissioner Gaines instead. (I knew about the previous contact with

¹⁹³ Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

¹⁹⁴ *Id.*

¹⁹⁵ *Id.* When asked about Gaines’ contact with the White House, Chief of Staff Marie Ragghianti stated that Gaines told her about his conversation with someone at the White House. According to Gaines, when he told White House staff about Roger Clinton’s contacts with the Parole Commission, the staffer replied “for God’s sake, you can handle that one.” Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

¹⁹⁶ USPC Document Production 00898 (Memorandum from Michael J. Gaines, Commissioner, to Sharon Gervasoni, Designated Agency Ethics Officer (Jan. 30, 1996)) (Exhibit 41).

¹⁹⁷ *Id.*

¹⁹⁸ USPC Document Production 00896 (Memorandum from Michael A. Stover, General Counsel, to File (Jan. 31, 1996)) (Exhibit 42).

¹⁹⁹ *Id.*; Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001) (indicating that the message slip was attached to the last page of his January 31, 1996 memo to file at 00896).

²⁰⁰ USPC Document Production 00894 (Memorandum from Michael A. Stover, General Counsel, to File (Jan. 31, 1996)) (Exhibit 42).

²⁰¹ *Id.*

²⁰² *Id.*

Commissioner Getty's office, and that Roger Clinton is apparently a friend of Rosario Gambino's son Thomas, who also lives in California.)²⁰³

The parenthetical comment inserted by Stover makes clear that he understood the context of the conversation related specifically to the case of inmate Rosario Gambino. This is important because when he was interviewed by the FBI regarding his efforts in the Gambino matter, Roger Clinton told the FBI that "he did not represent to anyone on the Parole Commission that his brother was aware of his efforts to assist the Gambino family or that the President was supporting his effort to assist in getting Rosario Gambino released from prison."²⁰⁴ In light of Stover's memo (as well as subsequent contacts with Case Operations Manager Tom Kowalski),²⁰⁵ Roger Clinton's statement to the FBI appears to be false. If Roger Clinton believed that his brother's involvement would be illegal or improper and might spark another scandal, then he would have had a powerful motivation to lie to the FBI.

Stover's record of the January 30, 1996, conversation with Clinton indicates that Stover clearly explained to Clinton the applicable law and proper procedures for lobbying for parole:

I informed Roger Clinton that . . . the Privacy Act of 1974 prohibited Commissioners and staff of the U.S. Parole Commission from discussing any case with a member of the public without a signed waiver from the inmate in question. . . . I further informed Roger Clinton that Commissioner Gaines could not meet with him because, even if Roger Clinton were an authorized representative of the inmate, he would have to appear before the hearing examiners at a regularly-scheduled parole hearing. . . . I explained the Commission's procedures whereby hearing examiners make recommended decisions after hearing presentations on the record, and that Commissioners vote and make their decisions without meeting with prisoners' representatives. I explained that, in this respect, the Commission operates like a court of law.²⁰⁶

According to Stover's memo, Roger Clinton reacted to Stover's explanation by once again invoking the President's authority in suggesting he meet with Commissioner Gaines:

Roger Clinton evinced his strong disappointment upon learning that he could not meet with Commissioner Gaines about this case. . . . I informed him that such a meeting would not have been appropriate. Roger Clinton then asked me how it could be that the President would be misinformed as to the law, and emphasized that the President had suggested that he should meet with Commissioner Gaines, ". . . a friend of ours from Arkansas." Roger Clinton professed his bewilderment as to how the President would not be knowledgeable as to the law with regard to the propriety of this suggested meeting. He stated that he would have to inform

²⁰³ *Id.*

²⁰⁴ DOJ Document Production FBI-RC-00001 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

²⁰⁵ Kowalski recalled that on several occasions, Clinton made it clear that his brother knew of his involvement in the Gambino matter. Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

²⁰⁶ USPC Document Production 00894 (Memorandum from Michael A. Stover, General Counsel, to File (Jan. 31, 1996)) (Exhibit 42).

his brother that his brother had been wrong. I replied that it would be an honor for me to be advising the President of the United States, directly or indirectly, as to the law. Roger Clinton again stated that he would have to report this information to his brother, who would be “glad to know” what I had said. During this colloquy, however, Roger Clinton’s voice rose, and betrayed the fact that he was upset with what I was saying.²⁰⁷

Stover and Gervasoni clearly believed that Clinton’s call was an attempt to exercise political influence:

Deputy DAEO and I are disturbed at the tactic employed by Roger Clinton of repeatedly invoking his brother as having allegedly recommended that he meet with Commissioner Gaines[.] The U.S. Parole Commission must not permit itself to be subjected to improper attempts to exercise political influence over its procedures. (Roger Clinton did not address himself to the merits of the case itself.) . . . My preference is for the Commission to vote a decision based only on the facts of the Gambino case, and without reference to this episode.

Finally, I have discussed the situation with Commissioner Gaines, who agrees that the Commission should be shielded, if at all possible, from the unwelcome intrusion of a man who would appear to have nothing to contribute to the Commission’s deliberations in the Gambino case but a crude (and I hope unauthorized) effort to exercise political influence.

When interviewed by Committee staff, Stover reiterated his strong disapproval of Roger Clinton’s attempts to contact Commission members and Commission staff, saying he “was concerned that Roger had no business contacting the Commission” and that his goal in advising Gaines on how to proceed was to keep Clinton “as far away as possible from the Commission.”²⁰⁸ Stover emphasized that he took two steps in response to Clinton’s contact: (1) he suggested that Gaines call the White House “to warn them about Roger Clinton;” and (2) he called the Deputy Attorney General’s office and spoke to Roger Adams about the matter.²⁰⁹ Stover explained that “an alarm bell goes off when the half-brother of the President is helping an organized crime figure.”²¹⁰ He believes that Adams discussed the matter with Deputy Attorney General Jamie Gorelick.²¹¹

b. Clinton’s Meetings with Parole Commission Staff

From February 1996 to November 1997, there was a pause in Roger Clinton’s approaches to the Parole Commission. After Roger Clinton had his hostile telephone discussion with Michael Stover in January 1996, he did not approach the Parole Commission again until

²⁰⁷ *Id.* at 00895.

²⁰⁸ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²⁰⁹ At this time, Adams was an Associate Deputy Attorney General, and was Stover’s primary contact at Main Justice. He later became U.S. Pardon Attorney. *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

December 1997. Due to Roger Clinton's refusal to discuss the Gambino matter with Committee staff, little is known about the reasons for the nearly two-year hiatus.²¹²

i. December 1997 Meeting

In December 1997, Chairman Michael Gaines informed his Chief of Staff, Marie Ragghianti, that Roger Clinton had contacted him. Ragghianti had come to the Commission as its first politically appointed staffer²¹³ around August 1997.²¹⁴ According to Ragghianti, Gaines called her into his office and said, "I have a problem. I hope you can handle it for me."²¹⁵ He explained to her that Roger Clinton was trying to meet with him but that he did not think it would be appropriate to do so.²¹⁶ Gaines also informed Ragghianti that Clinton had tried to contact him about the same matter almost two years earlier, in January 1996. Gaines asked Ragghianti to meet with Clinton and treat him the way she would "anyone else."²¹⁷ According to Ragghianti, Gaines' instructions to her about meeting with Roger Clinton were "as scrupulous as you could want."²¹⁸ She said that Gaines told her to be courteous because Roger was the President's brother, but to tell him that if Gaines spoke to him, Gaines would have to recuse himself.²¹⁹

²¹² In the middle of this lull in activity, Rosario Gambino signed a letter apparently intended for President Clinton seeking his assistance. A copy of the letter was produced to the Committee by Roger Clinton. The salutation of the January 9, 1997, letter is curiously blank, but the rest reads in relevant part:

I am writing this letter to you as my last hope to get justice. I feel that the system has been turned inside out in my case, and I now seek your help in the hope that you can right the wrong that is being done to me. What I am asking for is that my punishment be based on the crime that I did, and not on my name.

The reason I am asking for your help is because my son knows your brother, and my son has told me that your brother is a good and honorable man; I know such traits run in families, and I have heard that you are also such a man. Because of the trust and respect that my son has for your family, he suggested that I write this letter to you to explain my situation in more detail. So please let me take a few lines to explain my case.

Roger Clinton Document Production RCC0046 (Letter from Rosario Gambino (Jan. 9, 1997)) (Exhibit 43). The letter continues to explain the detailed procedural history of the case and makes false statements in the process. For example, Gambino claimed that after his December 1995 parole hearing, the examiner "made a finding that I was not connected to 'Organized Crime.'" *Id.* at RCC0047. In truth, the examiner merely found that there was insufficient evidence for the Commission to conclude, for the purpose of a parole decision, that Gambino was a member of La Cosa Nostra. This finding of insufficient evidence in a particular proceeding is far different from the blanket exoneration Gambino claimed he received.

²¹³ Before her appointment, only the Commissioners were politically appointed. Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²¹⁴ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001). As head of the Tennessee Parole Board in the 1970's, Ragghianti had been responsible for initiating a federal investigation of Governor Ray Blanton, who was later convicted on other charges, and his staff for soliciting money in exchange for clemency. Her story was told in a book by Peter Maas and in a motion picture. *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

²¹⁸ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²¹⁹ *Id.*

It was Ragghianti's understanding that Gaines believed it would be inappropriate for him to meet Clinton and that he wanted her to shield him from the inappropriate approach being made by Clinton.²²⁰ When asked by Committee staff why he referred the Clinton matter to Ragghianti rather than, as before, to General Counsel Stover, Gaines said that in 1996 he had not been the Chairman of the Commission and Marie Ragghianti did not yet work for the Commission.²²¹ In 1997, he had become the Chairman, and as such, Chief of Staff Marie Ragghianti answered directly to him. Therefore, he subsequently asked her to handle such matters.²²² Gaines was aware that the January 1996 telephone conversation between Clinton and Stover did take place, as he requested that Stover make the contact. However, he claims that he was not aware until well after the call of what Clinton and Stover discussed or that the call was quite hostile, likely because Stover was attempting to shield him from knowledge that could arguably require his recusal from the Gambino case.²²³

After her meeting with Chairman Gaines, Ragghianti called Roger Clinton and scheduled a meeting with him for December 23, 1997.²²⁴ Before the meeting occurred, General Counsel Michael Stover learned that it had been scheduled from Tom Kowalski, the Director of Case Operations at the Parole Commission.²²⁵ Ragghianti had asked Kowalski to join her in the meeting with Clinton.²²⁶ Stover said he was not pleased upon learning that the meeting was scheduled and that he called Chairman Gaines to see if he knew the meeting was going to occur.²²⁷ Stover reiterated his advice to Gaines that "as a matter of prudence that it was not a good idea to meet with a man who had previously attempted to use political influence in an improper way."²²⁸ According to Stover, Gaines responded "in a peremptory tone that this discussion was over" and that he believed that Roger Clinton deserved to be treated with the same courtesy as any other member of the public.²²⁹ Wanting to do everything possible to discourage the meeting without being insubordinate, Stover made a copy of his January 1996 memo that described his conversation with Roger Clinton and gave it to Ragghianti.²³⁰

While Gaines asked Ragghianti to extend only common courtesy to Clinton and treat him like any other member of the public, it is clear that from the outset, Ragghianti treated Roger Clinton like a celebrity and gave him access that she never would have afforded a member of the general public. She gave Roger Clinton her home telephone number even before she met with

²²⁰ *Id.*

²²¹ Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

²²² *Id.*

²²³ *Id.*

²²⁴ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²²⁵ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²²⁶ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²²⁷ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²²⁸ *Id.*

²²⁹ *Id.* When interviewed by Committee staff, Gaines stated that he did not recall Stover advising against having the meeting with Clinton, or of any effort by Stover to prevent the meeting. Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

²³⁰ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001). Ragghianti, however, denies that she received a copy of the memo before her meeting and denies having read it until being shown a copy by Committee staff during her interview. She said she would have remembered the memo because it "slams the Chairman." Ragghianti said she could not have forgotten "this 'friend of ours' business" and that the memo was, "pure Michael [Stover]." Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

him, and he placed at least four calls to that home number.²³¹ Ragghianti's warm approach to Roger Clinton continued at the December 23, 1997, meeting. Clinton, Ragghianti, and Kowalski attended the meeting.²³² Ragghianti said the meeting was cordial and that Clinton was personable and bright.²³³ Ragghianti said that Roger Clinton was "not the yokel he is painted to be" and "was downright engaging."²³⁴ After the meeting, Ragghianti marveled at Roger's charisma, telling Tom Kowalski, "this isn't even the President. Imagine what the President is like."²³⁵ Ragghianti explained that she had "connected" with Roger Clinton because her mother had died a few years earlier and that Roger Clinton's mother had also died recently.²³⁶ Ragghianti took Clinton to Tom Kowalski's office, where Clinton began referring to papers regarding specific cases he wanted to discuss.²³⁷ In addition to the Gambino case, Clinton also wanted to discuss the cases of two other prisoners. For one, John Ballis,²³⁸ he was seeking to obtain a furlough, and for the other, whose name Ragghianti could not recall, he was seeking a pardon.²³⁹ Tom Kowalski explained that for a furlough, Roger needed to speak to the warden of the prison in which Ballis was incarcerated and for a pardon, he needed to contact the Pardon Attorney's office.²⁴⁰

After the first two issues, Clinton turned to the Gambino matter. In describing the denial of Gambino's parole to Committee staff, Ragghianti claimed that the Commission had "thrown the book" at Gambino and that "intelligent people would be able to say that a case could be made for less time."²⁴¹ She said Clinton delivered a "heartfelt narrative" about how he had been in prison and knew what it was like.²⁴² The following day, Kowalski prepared a memo summarizing Roger's appeal on behalf of Gambino, whom Kowalski described as a "notorious organized crime figure."²⁴³

[Roger Clinton] basically believes that the Commission has been much too harsh in this case and that Rosario Gambino is not an organized crime boss as the Commission has considered him to be. If anything, he believes that he is only on the fringes of organized crime and he is being discriminated against because his name happens to be "Gambino." He used the Original Jurisdiction Appeal Summary by Michael Stover as his primary source of information. He specifically named Michael Stover as being discriminatory in his description of the prisoner

²³¹ Verizon Document Production (Roger Clinton Phone Bill, Jan 1, 1998, at 12–13; Mar. 1, 1998, at 16; Aug. 1, 1998). Ragghianti claims that she gave her home telephone number to Clinton because it was difficult to get in touch with him, given the time differential between the east coast and west coast.

²³² USPC Document Production 00889 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Michael J. Gaines, Chairman (Dec. 24, 1997)) (Exhibit 44).

²³³ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ See generally Section IV.E, "John Ballis."

²³⁹ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ USPC Document Production 00890 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Michael J. Gaines, Chairman (Dec. 24, 1997)) (Exhibit 44).

and was particularly incensed by the statement in the summary which states, “Gambino appears to come from an immigrant background in which family connections are simply exploited (as in the current offense) to get around the law.” In discussing this case, he was actually quite animated and argued rather emotionally about how the Commission is being too harsh with the prisoner.

Ms. Ragghianti and I merely listened throughout the session since we did not have file [sic] nor did Mr. Clinton have a signed release from the subject. He was advised that the case would be reviewed and no further promises were given.²⁴⁴

Marie Ragghianti also drafted a memo regarding the same meeting, and rather than being critical of Clinton’s approach, Ragghianti appeared sympathetic:

Regarding Rosario Gambino, who apparently has been denied parole by this Commission, Mr. Clinton asked for any possible reconsideration of the matter. He pointed out that Gambino has served nearly 15 years, has at least 2 potential job opportunities, and also the support of a loving son, Tommy (Mr. Clinton’s friend), and his wife and other children. We explained to him that the Commission takes a hard line in matters perceived as related to organized crime. Tom did offer to review the history of the case and write a summary (which will be sent to me). At that time, with the approval of the Commission or its legal department, I will notify Mr. Clinton of Tom’s summary, as (or if) appropriate.²⁴⁵

Mr. Clinton was articulate. His questions and comments were thoughtful and appropriate, which is to say that he in no way came across as wishing to capitalize on his name. Instead, he apologized for taking our time. He appeared to be a genuinely caring person, not only for the 3 individuals he was seeking advice for, but in general.²⁴⁶

While Ragghianti took the position that Clinton did not appear to be capitalizing on his name, Tom Kowalski disagreed, noting that Clinton “mentioned his brother” at virtually every meeting and made it clear that he was operating “with his brother’s knowledge.”²⁴⁷ Kowalski said Clinton frequently made references to his plans to be in Washington and to stay at 1600 Pennsylvania Avenue, saying, “he threw it in your face that he was staying at the White House.”²⁴⁸ Kowalski said that from the first meeting, Clinton made it clear that his brother knew of his involvement.²⁴⁹ Specifically, Kowalski said his impression was the President knew that

²⁴⁴ *Id.*

²⁴⁵ A handwritten note at this place on the memo dated September 17, 1998, nine months after the memo was initially prepared, reads “I never discussed Tom’s summary at any time with Mr. Clinton (nor did he ask me to).” USPC Document Production 00891 (Memorandum from Marie Ragghianti, Chief of Staff, to File (Dec. 23, 1997)) (Exhibit 45). Even if Ragghianti did not share the summary with Clinton, it is troubling that she considered doing so, as it would have been a violation of Commission rules.

²⁴⁶ *Id.*

²⁴⁷ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

²⁴⁸ *Id.*

²⁴⁹ *Id.*

Roger was contacting the Parole Commission about the Gambino case.²⁵⁰ Kowalski's memory on this point was vivid. He explicitly recalled his reaction, "I thought to myself, 'Lord, Lord, Oh Lord, why would the President want to get involved in the case of this guy?'"²⁵¹

Ragghianti told Committee staff that she and Kowalski instructed Clinton that in the future, "the best way of doing this" would be to address his concerns to the Commission in writing rather than through further meetings, although this admonition was not recorded in either of the contemporaneous memos.²⁵² Ragghianti thought that following her initial contact, Clinton would not return seeking further meetings.²⁵³

After the December 1997 meeting, Ragghianti also asked Kowalski to review the Gambino file. In case Ragghianti had any doubts about the lack of merit in Clinton's argument, Kowalski's December 30, 1997, memo summarizing the Gambino case should have dispelled them. Kowalski found, in part, that: (1) Gambino participated in a conspiracy which promised the delivery of 10 kilograms of heroin per month; (2) "Rosario Gambino's criminal activities also extend to arson and extortion;" (3) Gambino participated in harboring Michele Sindona while he was a fugitive; and (4) "[t]he Sentencing Memorandum and documents in the file clearly depict the subject as an individual deeply involved in organized criminal activity."²⁵⁴ Given these findings, it is disturbing that Ragghianti continued to meet with Clinton and discuss the Gambino case with him.

ii. Spring 1998 Contacts

Roger Clinton continued to remain in contact with Ragghianti and Kowalski after the December 1997 meeting, making telephone calls to both of them regarding the Gambino case. Kowalski recalls that Gambino was scheduled for a parole review hearing and that Clinton called because he was concerned that Gambino had been moved from a prison in California to one in Arizona, which was further from Gambino's family.²⁵⁵ Clinton asked Kowalski to find out why Gambino was moved.²⁵⁶ Kowalski looked into the matter and discovered that Gambino was moved because he had been "muscling," or intimidating, other inmates at the prison.²⁵⁷ Kowalski did not pass this information on to Clinton, but it did confirm his feelings regarding Rosario Gambino.²⁵⁸ Clinton apparently prepared talking points for himself in anticipation of these telephone calls. One set of notes, in Clinton's handwriting, reads as follows and provides a further suggestion as to the nature of Clinton's calls to Kowalski:

Questions for Tom Kowalski:

²⁵⁰ *Id.*

²⁵¹ *Id.* Kowalski's recollections raise serious questions about Roger Clinton's veracity when he was interviewed by the FBI. *See also* n.205 and accompanying text.

²⁵² Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁵³ *Id.*

²⁵⁴ USPC Document Production 00925-26 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Marie Ragghianti, Chief of Staff (Dec. 30, 1997)) (Exhibit 34).

²⁵⁵ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

- 1) Possibility of re-transfer back to Terminal Island. Should he before or after parole hearing?
- 2) If transfer back to Ca. is accepted, can Sam Robertson still conduct the hearing or is it out of his jurisdiction? (Harry Dwyer?)
- 3) What else can I do to serve as a reminder or as further emphasis? (personal letter, etc.)
- 4) What is the state of the upcoming hearing at FCI-Phoenix? The last one was postponed because the Commission's counsel was reviewing the file. Sam Robertson wasn't at the last hearing that was postponed. Will he, in fact, conduct this hearing?²⁵⁹

Clinton also sent two handwritten letters to Kowalski in February 1998, in advance of the review hearing. One stated in part:

We need someone to "step up to the plate" on this one. I firmly feel that if everything in this case was the same and the prisoner's name was Rosario Stevens (only an example), then Mr. Stevens would have been released in July 1996.

I understand the scenario of decisions based on name recognition, be it positive or negative. This man deserves to be released to return to his family after 14 years. He did the crime and he has done the time. We all deserve a second chance! I am living proof of that. Please help us achieve what is right!²⁶⁰

In the other letter to Kowalski, Clinton made slightly more sophisticated arguments, analyzing the applicable sentencing provisions, arguing that Gambino was eligible for release.²⁶¹ In this letter, Clinton denied that Gambino was a member of La Cosa Nostra and claimed that the Gambino name was a common one:

As documented by copies of pages from the Sicilian phone book, Gambino is a very popular name. A large majority is unrelated to the Gambino crime family.²⁶²

Remembering an occasion when Clinton made the same argument to Kowalski in person, Kowalski said: "I was very professional . . . I didn't laugh."²⁶³

In the spring of 1998, Clinton scheduled another meeting with Ragghianti and Kowalski. Both Ragghianti and Kowalski recall that Clinton basically repeated the same arguments that he had made in December 1997, claiming that Gambino had been treated unfairly by the Parole

²⁵⁹ Roger Clinton Document Production RCC0031 (Handwritten notes) (Exhibit 46).

²⁶⁰ Roger Clinton Document Production RCC0176 (Letter from Roger C. Clinton to Thomas C. Kowalski, Case Operations Manager, USPC (Feb. 13, 1998)) (Exhibit 47).

²⁶¹ Roger Clinton Document Production RCC0173 (Letter from Roger C. Clinton to Thomas C. Kowalski, Case Operations Manager, USPC (Feb. 13, 1998)) (Exhibit 48).

²⁶² *Id.* at RCC0175.

²⁶³ Alison Leigh Cowan, *Roger Clinton's Dogged Effort for Drug Trafficker*, N.Y. TIMES, Aug. 26, 2001.

Commission and should be released.²⁶⁴ At the end of this meeting, as Clinton, Kowalski, and Ragghianti were saying their goodbyes in the lobby, Parole Commission Chairman Michael Gaines walked through the lobby.²⁶⁵ Clinton apparently recognized Gaines on sight, and eagerly introduced himself to him. According to Gaines, Roger “acted like he knew who I was,” despite the fact that he did not know Clinton.²⁶⁶ According to all of those present, Gaines kept the conversation with Clinton short and limited to superficial matters.²⁶⁷

iii. July 1998 Meeting

After the spring 1998 meeting, Clinton continued to make telephone calls to Ragghianti and Kowalski to press his case. Between May 1998 and July 1998, Clinton called Kowalski and Ragghianti at least 11 times.²⁶⁸ He even called Ragghianti at home on at least one occasion.²⁶⁹ In July, Clinton apparently asked for and received another meeting with Kowalski and Ragghianti. While Clinton was waiting for Kowalski at the Parole Commission offices, he had a second fortuitous run-in with Chairman Gaines. Again, Gaines attempted to avoid any substantive discussion with Clinton and ended the discussion as quickly as he could.²⁷⁰ The meeting between Clinton, Ragghianti, and Kowalski went much like the previous two meetings. Roger repeated his arguments that Rosario Gambino had been treated unfairly and deserved to be released. Neither Kowalski nor Ragghianti provided extensive substantive comments about the case but simply tried to listen to Clinton’s concerns.²⁷¹ At the conclusion of the meeting, Ragghianti and Clinton looked over pictures of Clinton’s new baby, and then Ragghianti saw Clinton to the elevators.²⁷² Referring to the Gambino case, Ragghianti told Clinton “the only thing worse than no hope is false hope” and that she “did not want him to have false hope.”²⁷³ Then, as Clinton got onto the elevator, Ragghianti counseled him to pray about the Gambino matter.²⁷⁴

2. The FBI Investigation of Clinton’s Contacts with the Parole Commission

In late August 1998, the FBI sought to review Rosario Gambino’s file at the Parole Commission.²⁷⁵ Michael Stover said that the FBI’s original interest appeared to be in Rosario

²⁶⁴ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001); Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁶⁵ Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

²⁶⁶ *Id.*

²⁶⁷ *Id.*; Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001); Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁶⁸ Verizon Document Production (Roger Clinton Phone Bill, Jul. 1, 1998, at 10–11; Aug. 1, 1998, at 14–15); WorldCom Document Production (Roger Clinton Phone Bill, May 23, 1998, at 8–9).

²⁶⁹ Verizon Document Production (Roger Clinton Phone Bill, Aug. 1, 1998, at 14).

²⁷⁰ Telephone Interview with Michael J. Gaines, former Chairman, USPC (Aug. 7, 2001).

²⁷¹ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001); Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁷² *Id.*

²⁷³ USPC Document Production 00923 (Memorandum from Marie F. Ragghianti, Chief of Staff, to File (Sept. 14, 1998)) (Exhibit 49).

²⁷⁴ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁷⁵ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

Gambino rather than Roger Clinton.²⁷⁶ Stover provided the FBI with all of the documents relating to the Gambino case, including those relating to Roger Clinton's contacts with the Parole Commission.²⁷⁷ On September 11, 1998, Stover informed Ragghianti that the FBI had visited USPC offices to review the Gambino file. In the following days, the agents returned to interview Stover, Ragghianti, and Kowalski about their contacts with Roger Clinton.²⁷⁸ Ragghianti was "very annoyed" that Stover had not told her earlier about the FBI's interest in the Gambino file.²⁷⁹ Ragghianti told Committee staff that her "private view" was that Stover had initiated the FBI's investigation of Roger Clinton's contacts with the Parole Commission.²⁸⁰

After the FBI began its investigation of Roger Clinton's lobbying for Gambino, Michael Stover learned that Marie Ragghianti and Tom Kowalski had been maintaining contact with Roger Clinton over the preceding eight months. While discussing the FBI's interest in the Gambino matter with Stover, Tom Kowalski indicated that he and Ragghianti had two additional meetings with Clinton, as well as a number of telephone conversations after the December 1997 meeting.²⁸¹ Stover knew only about the December 1997 meeting and was not happy to learn about the additional meetings, especially given the fact that he was not consulted about them before they took place. Ragghianti defended her decision to keep Stover from knowing about the meetings with Clinton on the basis that, as Chief of Staff, she did not report to Stover.²⁸² While Ragghianti may have been above Stover in the hierarchy of the Parole Commission, her decision to engage in a series of contacts with Roger Clinton without consulting her General Counsel is troubling and suggests that she wanted to provide Roger Clinton with an extraordinary measure of access.

As the FBI conducted its investigation of Clinton's contacts with the Parole Commission, Ragghianti and Stover disputed the propriety of the series of contacts between Clinton and Commission staff between December 1997 and July 1998. Ragghianti wrote of the meetings in a memo drafted just after she learned the FBI was involved: "[a]fter his initial visit, Mr. Clinton called and came in 2 other times. I did not record additional memoranda on either of the subsequent visits, because he did not offer additional information, but seemed only to want to be heard."²⁸³ Rather than scrupulously attempting to avoid any appearance of impropriety and follow Stover's advice, Ragghianti continued her contacts with Roger Clinton unapologetically and without informing Stover. Ragghianti told Committee staff that there was "no question" in

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ USPC Document Production 00922 (Memorandum from Marie F. Ragghianti, Chief of Staff, to File (Sept. 14, 1998)) (Exhibit 49). FBI interview summaries relating to Ragghianti, Kowalski, and Stover presumably exist, but the Justice Department has refused to produce them to the Committee. After producing hundreds of pages regarding the Clinton-Gambino matter, the Justice Department stopped producing records in August 2001 because of its "ongoing criminal investigation" into the Clinton-Gambino matter.

²⁷⁹ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁸⁰ *Id.* There appears to be no support for Ragghianti's view. Rather, it appears that Roger Clinton was of investigative interest to the FBI well before this point.

²⁸¹ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²⁸² Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁸³ USPC Document Production 00923 (Memorandum from Marie F. Ragghianti, Chief of Staff, to File (Sept. 14, 1998)) (Exhibit 49).

her mind about the propriety of her meetings.²⁸⁴ She dismissed Stover's concerns, suggesting he was motivated by a feeling that "he had been ignored" and that "he didn't like Roger Clinton."²⁸⁵

The split between Ragghianti and Stover over the propriety of staff contacts with Clinton appears to be part of a broader animosity Ragghianti harbored for Stover, but it is unclear whether their dispute over the Clinton contacts was a symptom of her antagonism or a catalyst for it. During her interview with Committee staff, Ragghianti went out of her way to criticize Stover, describing him as "a bull in a china shop" who "doesn't have a fine touch in extending common courtesy."²⁸⁶ Ragghianti similarly criticized Stover's handling of the Roger Clinton matter. She wrote in a September 14, 1998, memo:

I think the record should show that I felt that Mr. Stover had, in the past, been gratuitously rude to Mr. Clinton. My personal philosophy was that Mr. Clinton deserved to be treated at least courteously by this Commission, which is why I agreed to see him. Nevertheless, it seemed appropriate that I should not visit with him alone, not only because of "appearances," but because I did not really know the intricate details of reading inmate files, nor the precise legal constraints on what information might be appropriately shared with interested parties.²⁸⁷

When asked what her basis was for writing that Stover had been "gratuitously rude" to Clinton, Ragghianti said she could not recall but that it might have come from Chairman Gaines and may have been the reason Gaines asked her to handle the second Clinton contact rather than Stover, whom he had asked to handle the first.²⁸⁸ Stover said that Ragghianti had never discussed with him his handling of the 1996 Clinton contact.²⁸⁹ Ragghianti complained that Stover, "did not give Clinton the benefit of any doubt," that he viewed Clinton as "guilty until proven innocent," and that Stover's memo was "very heavy-handed."²⁹⁰ For his part, Stover did not engage in any attacks on Ragghianti, but he did maintain that it was unwise for Ragghianti to engage in a series of contacts with Clinton about the Gambino case.

a. Clinton's Continued Attempts to Contact the Commission

In the fall of 1998, Roger Clinton was apparently unaware that the FBI was looking into his contacts with the Parole Commission. Following the initial FBI interviews of Parole Commission staff in the fall of 1998, Roger Clinton continued calling Commission staff. Ragghianti and Kowalski did not respond to most of these calls. When they received these calls, they reported them to Michael Stover. On the one occasion where Clinton did successfully reach

²⁸⁴ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ USPC Document Production 00923 (Memorandum from Marie F. Ragghianti, Chief of Staff, to File (Sept. 14, 1998)) (Exhibit 49).

²⁸⁸ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁸⁹ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²⁹⁰ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

Tom Kowalski, Kowalski prepared a memo to the file summarizing the conversation.²⁹¹ Clinton also called seeking a meeting with Chairman Gaines, despite having been informed repeatedly that he could not meet with members of the Parole Commission.²⁹² Gaines, Ragghianti, and Stover then met to discuss how to respond to Clinton's request for a meeting with Gaines. They decided to send a letter to Clinton informing him that he could not meet with Gaines and that he could no longer meet with staff. Stover prepared the initial draft of the letter, and then Ragghianti "toned it down."²⁹³ Curiously, the letter was addressed to Roger Clinton at 1015 Gayley Avenue in Los Angeles, a commercial mailbox used by Tommy and Anna Gambino.²⁹⁴ The letter, dated October 26, 1998, stated:

The Chairman has asked me to express his sincere regrets that he cannot accept your kind invitation to meet during your trip to Washington this week. As I have mentioned before, it is agency policy that members of the Commission cannot engage in private meetings of any kind with parties having an interest in parole proceedings. This is true even if the meeting is sought for purely social reasons.

Similarly, our policy also restricts the ability of Commission staff from engaging in any continued series of calls or discussions on official matters that are not in the context of an agency proceeding. Should you have any further request, I encourage you to write us.²⁹⁵

The sentence regarding staff contacts appears to be at odds with the practice of Ragghianti and Kowalski before the FBI began investigating. When asked about whether the policy against third party-meetings as stated in the letter was in fact the practice of Commission staff beforehand, Stover said, "Sometimes you state a policy at the moment of its creation."²⁹⁶ He said he was trying hard to set a useful policy for future precedent and that he saw Ragghianti's sending the letter with his language about staff contacts included as a victory on that issue.²⁹⁷ It is curious that before the FBI began its investigation of Clinton and Gambino in September 1998, Ragghianti was strongly in favor of meeting with Clinton, and then, once the FBI began its investigation, she suddenly agreed with Michael Stover's longstanding advice to stop meeting with Clinton.

Despite the letter's clear instructions to put future requests in writing, Clinton immediately called Ragghianti upon receiving the fax.²⁹⁸ In a voice mail message left for Ragghianti, Clinton said he was embarrassed and hurt that anyone at the Commission might have thought he was asking for something inappropriate and asked Ragghianti to return his call, which

²⁹¹ USPC Document Production 00915 (Memorandum from Thomas C. Kowalski, Case Operations Administrator, to File (Oct. 2, 1998)) (Exhibit 50).

²⁹² USPC Document Production 00868 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

²⁹³ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

²⁹⁴ U.S. Postal Service Document Production (Application for Delivery of Mail Through Agent, June 2, 2001) (Exhibit 52).

²⁹⁵ USPC Document Production 00876 (Letter from Marie F. Ragghianti, Chief of Staff, to Roger C. Clinton (Oct. 26, 1998)) (Exhibit 53).

²⁹⁶ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

²⁹⁷ *Id.*

²⁹⁸ USPC Document Production 00868 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

she did not.²⁹⁹ Ragghianti described the message as “long, wordy, [and] slightly incoherent” and quoted Clinton as saying, “I guess I went over the line. I didn’t mean to do anything wrong.”³⁰⁰ Ragghianti said she did not acknowledge the call in any way.³⁰¹

In November 1998, Hearing Examiner Sam Robertson recommended reexamination of the Commission’s decision and a possible reduction of time to be served. Apparently unaware that Robertson’s recommendation was only preliminary advice and not a final action on the case, Clinton sent “a lavish letter of gratitude” to the Commission on November 17, 1998.³⁰² The letter states in part:

There are certain situations in almost everyone’s life that require standing up for what is right, regardless of the possible consequences. . . . Over the past few years, and for several reasons, this particular case became very personal with me. I felt it necessary to stand and fight for what I thought was fair. I never asked for, never expected and never received any preferential treatment. You simply treated me with respect by allowing me, through written correspondence,³⁰³ to express my passionate feelings regarding this case. The entire process was handled in a fair and professional manner.

At the conclusion of the hearing on Friday, October 30th, 1998, a release date was given. It is to be January 15, 1999. I have marked that date on my calendar as a day of celebration. I will celebrate in my own private way, filled with satisfaction and pride. With your decision, I feel that justice has now been served for everyone.

With the utmost respect, appreciation and gratitude, I want to thank you from the bottom of my heart.³⁰⁴

Neither Ragghianti nor Kowalski acknowledged the letter in any way.³⁰⁵ In January 1999, the Parole Commission overruled Robertson’s recommendation and set a new parole date of March 2007.³⁰⁶ In April 1999, the full Parole Commission denied Gambino’s final appeal and left in place a parole date of March 2007.³⁰⁷ Parole Commission Chairman Michael Gaines recused himself from this decision, based on his involvement in the myriad meetings and discussions

²⁹⁹ *Id.*

³⁰⁰ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³⁰¹ *Id.*

³⁰² USPC Document Production 00868 (Meeting Notes, Jan. 26, 1999) (Exhibit 51); USPC Document Production 00875 (Letter from Roger C. Clinton, to the U.S. Parole Commission (Nov. 17, 1998)) (Exhibit 54).

³⁰³ To the extent Clinton’s letter suggested that his contacts with the Parole Commission were limited to “written correspondence,” it is, of course, completely untrue.

³⁰⁴ USPC Document Production 00875 (Letter from Roger C. Clinton, to the U.S. Parole Commission (Nov. 17, 1998)) (Exhibit 54).

³⁰⁵ USPC Document Production 00868 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

³⁰⁶ USPC Document Production 00665 (Memorandum from John R. Simpson, Commissioner, to National Commissioners (Jan. 13, 1999)) (Exhibit 55).

³⁰⁷ USPC Document Production 00817 (Notice of Action on Appeal, Apr. 14, 1999) (Exhibit 56).

regarding Roger Clinton's involvement in the Gambino case and the resulting FBI investigation of Clinton's contacts with the Commission.³⁰⁸

In mid-January 1999, the FBI again contacted the Commission requesting access to the Gambino file.³⁰⁹ On Friday, January 22, 1999, FBI Agent Jackie Dalrymple went to the Parole Commission Offices to review the file.³¹⁰ While she was there, Roger Clinton again attempted to contact Ragghianti and Kowalski, leaving messages on their voice mail.³¹¹ Ragghianti and Kowalski notified General Counsel Stover who suggested that Agent Dalrymple be notified.³¹² Dalrymple asked to hear the two voice mail messages and, upon hearing them, asked Ragghianti and Kowalski not to delete them for a few days.³¹³ On Monday January, 25, 1999, Agent Dalrymple returned and asked to tape record the two voice mail messages. Stover advised Ragghianti to cooperate, and she did.³¹⁴ When asked about the content of the messages, Ragghianti said she could not recall precisely what her message said but that she was surprised Clinton was calling yet again.³¹⁵ Ragghianti said she "felt kind of bad" about allowing the FBI to tape the message, comparing it to how she felt years ago in Tennessee when "friends were in trouble with the law" because of actions she had taken.³¹⁶ Ragghianti recalled that Kowalski's message was longer than hers and that Clinton had said something on Kowalski's message that "made it sound like they were in cahoots."³¹⁷ Ragghianti recalled that she said jokingly to Kowalski, "My God Tom, what do you two have going?"³¹⁸ She believed Kowalski was embarrassed by the message and that is why he ultimately cooperated with the FBI.³¹⁹ There is no support for Ragghianti's suggestion, but it is telling that Ragghianti thought Kowalski would need some sort of secret motivation to work with the FBI. Every indication is that Kowalski worked with the FBI merely because he believed it is important to cooperate with law enforcement when requested to do so.

b. The FBI's Request to Have an Agent Pose Undercover

After listening to Roger Clinton's messages to Ragghianti and Kowalski, the FBI decided to intensify its investigation of Clinton. The FBI came to Ragghianti and suggested a plan whereby Kowalski would set up a meeting with Clinton away from the Parole Commission headquarters, at a local restaurant.³²⁰ Kowalski would then introduce Clinton to another Parole

³⁰⁸ USPC Document Production 00820 (Memorandum from Michael J. Gaines, Chairman, to File (Apr. 9, 1999)) (Exhibit 57).

³⁰⁹ USPC Document Production 00868 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.* at 00869.

³¹³ *Id.*

³¹⁴ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001); Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³¹⁵ *Id.*

³¹⁶ *Id.* See generally n.214.

³¹⁷ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³¹⁸ *Id.*

³¹⁹ *Id.*

³²⁰ *Id.*

Commission staffer who could help Clinton with the Gambino case.³²¹ In reality, this Parole Commission staffer would be an undercover FBI agent. This agent would then be able to talk to Clinton about the Gambino case and determine if Clinton was attempting to influence the Commission illegally. General Counsel Michael Stover had no objection to the FBI plan.³²² Marie Ragghianti, though, rejected this proposal out of hand without consulting with Chairman Gaines or the rest of the Parole Commission.³²³

Ragghianti's basis for rejecting the FBI proposal was highly suspect. She felt that the Parole Commission "did not conduct its business in restaurants" and that it would make the Parole Commission look bad if someone overheard the discussion between Clinton and the undercover FBI agent.³²⁴ She also felt that it was entrapment to allow the FBI to operate under Parole Commission auspices in order to obtain evidence against Roger Clinton.³²⁵ Ragghianti also was annoyed by Stover's approval of the FBI plan. She felt that he had "crossed over the line and lost legal objectivity" and "had no concern" for the Commission.³²⁶ However, Ragghianti appears to be the one who "crossed over the line and lost legal objectivity" in rejecting the FBI's request. Her reason for rejecting the request — that it did not reflect the way the Commission normally conducts business — misses the point. In order to be successful, an FBI operation of this sort requires exactly the sort of informal environment to which Ragghianti objected. The fact that such a meeting would be less formal and less professional than normal Commission business is exactly why the FBI wanted to do it. If Clinton were so inclined, a relaxed environment would make him feel comfortable enough to make candid admissions that might yield evidence of illegality in the Gambino case. Ragghianti's reason for opposing the request, therefore, was essentially that it was likely to be successful. Moreover, her characterization of the FBI proposal as "entrapment" is without merit and represents a judgment that she lacked both the expertise and the responsibility to make. The FBI agents and their superiors are accountable for entrapment issues in their investigations, not the Parole Commission Chief of Staff.

The real question is what was Marie Ragghianti's actual motive for rejecting the FBI request. Ragghianti had a reputation for ethical conduct prior to coming to the Commission. That she would make such a decision is, therefore, surprising. However, she clearly went out of her way to be accommodating to Roger Clinton. Whether Ragghianti was trying to curry favor with the Clinton Administration or whether she just genuinely liked Roger Clinton is unclear. But, for Ragghianti to ignore the advice of the Parole Commission General Counsel regarding such a sensitive legal matter suggests, at best, that she was not objective in her handling of the Clinton-Gambino matter. At worst, Ragghianti may have been trying to protect Roger Clinton.

The effect of Ragghianti's decision certainly was to protect Clinton. Her decision to reject the undercover plan may have had a crippling effect on the FBI investigation. As described below, the FBI would continue with its attempts to determine the purpose of Clinton's

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ *Id.*

contacts with the Parole Commission. Rather than having an undercover FBI agent directly in contact with Clinton, though, the FBI had to work through Tom Kowalski, who allowed the FBI to place listening devices in his office. However, Kowalski, unlike a trained FBI agent, was uncomfortable talking to Clinton while his office was bugged. Law enforcement sources who helped investigate the Clinton-Gambino case have informed the Committee that the undercover contacts with Clinton were exactly the thing that the case was missing.³²⁷

c. The FBI's Recording of Clinton's Conversations with Thomas Kowalski

After Ragghianti rejected the initial FBI proposal, Agent Dalrymple proposed another possible approach to Roger Clinton. In late January 1999, she suggested that Tom Kowalski page Roger Clinton, and then when Clinton called back, the FBI would tape their conversation.³²⁸ The FBI would provide Kowalski with suggested questions for Clinton to determine Clinton's purpose in contacting the Parole Commission. Even though the FBI had significantly reduced the scope of its request, Ragghianti still opposed cooperation.³²⁹

Despite her opposition to the FBI's request, Ragghianti took the FBI request to other staff at the Parole Commission. According to Ragghianti's contemporaneous notes³³⁰ of a meeting held later that day, her initial reaction upon hearing of the request was to question whether any taping at the Commission's headquarters in Maryland would be illegal, "recalling the Linda Tripp debacle related to a similar tape recording."³³¹ Ragghianti also referred to her experiences in Tennessee, explaining that she had not cooperated with an FBI request for her to allow them to make recordings of her conversations.³³² Deputy DAEO Sharon Gervasoni advised Ragghianti and Kowalski that she would ordinarily urge that Clinton's call be answered by another letter requesting that Clinton send his inquiries in writing.³³³ Given the FBI's request, however, she recommended that General Counsel Stover, who was home on sick leave, be contacted for his input about how to handle the situation.³³⁴ Stover told his colleagues that a similar situation had arisen before and that the Commission employee was advised that the decision of whether to record a conversation to assist the FBI was a personal decision left to the employee and not one to be dictated by the Commission.³³⁵ Therefore, Stover advised that the Commission precedent be followed and that Kowalski should make the decision about whether and to what extent he

³²⁷ Interview with Judge Stephen Larson, former Assistant U.S. Attorney, Central District of California (Aug. 16, 2001).

³²⁸ USPC Document Production 00869 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

³²⁹ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

³³⁰ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001); Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

³³¹ USPC Document Production 00869 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

³³² Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001). *See*, n.214.

³³³ USPC Document Production 00869 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

³³⁴ *Id.* Stover said he was sick with the flu and a 102-degree temperature on this day, so it was difficult for him to remember the details. He does recall staff from the Commission called him at home and insisted that he "weigh in" on the matter. After reviewing Ragghianti's meeting notes, Stover said he did not see anything in them that was inconsistent with his recollection. Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001).

³³⁵ USPC Document Production 00869 (Meeting Notes, Jan. 26, 1999) (Exhibit 51).

wished to cooperate with the FBI.³³⁶ Ragghianti disagreed, inquiring as to “why any USPC employee might be free to exercise that kind of decisionmaking in an issue so important to the functioning of the Commission.”³³⁷ Because she disagreed with Stover on how to handle this issue, Ragghianti took it to the Parole Commissioners for their decision.³³⁸

At 4:35 p.m. that day, Chairman Gaines convened a meeting with Commissioner Reilly, Commissioner Simpson, Chief of Staff Ragghianti, and Deputy DAEO Gervasoni to discuss the FBI’s request.³³⁹ Two main issues arose during this meeting. First, there was discussion about whether Kowalski should be able to decide for himself whether to cooperate with the FBI or whether that was a decision for the Parole Commission to make. Second, there was extensive discussion about why the FBI was investigating Clinton and whether the investigation was part of the Office of Independent Counsel investigation of President Clinton. The Commissioners ended the meeting by reaching “the general consensus that no one present should tell Mr. Kowalski what to do.”³⁴⁰

However, because of the concerns that the Commissioners and Ragghianti had about why the FBI was investigating Roger Clinton, Ragghianti followed up to determine the purpose of the Clinton investigation. According to Ragghianti, she had fears that the FBI’s investigation of Roger Clinton was a “witchhunt.”³⁴¹ These fears appear to have been based partly on Ragghianti’s erroneous belief that the FBI investigation was part of the Office of Independent Counsel investigation of President Clinton.³⁴² Ragghianti first called Lynn Battaglia, the U.S. Attorney in Maryland.³⁴³ Agent Dalrymple had told Ragghianti to call Battaglia if she had any concerns. Battaglia told Ragghianti that the investigation was “not a wild goose chase,” that she knew Agent Dalrymple was a “good agent,” and that this was not “a witch hunt.”³⁴⁴ Some of Ragghianti’s fears about the investigation were allayed by Battaglia’s assurances.³⁴⁵ Battaglia’s familiarity with the case also convinced Ragghianti that this investigation was being conducted by the U.S. Attorney’s Office in Maryland, not Independent Counsel Starr.³⁴⁶

³³⁶ *Id.*

³³⁷ *Id.*

³³⁸ *Id.* at 00870.

³³⁹ *Id.* at 00867.

³⁴⁰ *Id.* at 00871.

³⁴¹ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³⁴² During the Parole Commission’s debate of this issue, Commissioner Simpson also expressed concerns that the Office of Independent Counsel was involved: “Commissioner Simpson again stated that someone needs to ask Jackie Dalrymple what they’re investigating. There was subsequent discussion regarding the fact that it appears at this time not to be related to Ken Starr. Commissioner Simpson stated that we need to call [Eric] Holder if we believe it’s a Starr matter.” USPC Document Production 00870 (Meeting Notes, Jan. 26, 1999) (Exhibit 51). However, Deputy DAEO Gervasoni “expressed doubts” about whether the Commission should contact Holder’s office. She said that her “impression of Holder is that he’s a ‘stickler,’ ‘by the book’ kind of person and that the Commission would need a “good reason to refuse cooperation” with the FBI. *Id.*

³⁴³ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ Michael Stover also discovered that the Roger Clinton investigation was not being conducted by Independent Counsel Starr. According to a memorandum prepared by Ragghianti, “Mr. Stover advised Ms. Ragghianti that he had been advised by Roger Adams [who was informed by the FBI when they visited his office] that the investigation was Ken Starr’s; however, Mr. Stover stated that sometime later, he had received a call from an FBI asst. general

However, Ragghianti still was not comfortable with Michael Stover's conclusion that whether Tom Kowalski cooperated with the FBI was a personal decision, not a Parole Commission decision. Therefore, Ragghianti and Stover called the Deputy Attorney General's office and discussed the matter with Kevin Ohlsen, the Chief of Staff to the Deputy Attorney General, and David Margolis, an Associate Deputy Attorney General.³⁴⁷ They called to see if "any responsible person in Main Justice was aware" of the investigation.³⁴⁸ Ohlsen promised to look into it and later told Stover that the "higher-ups knew about it."³⁴⁹ Ragghianti also recalls that Ohlsen and Margolis informed them that the FBI's proposed contacts with Roger Clinton were not "entrapment," but on the other hand, they stated that the Parole Commission did have a say in whether Kowalski should cooperate with the FBI.³⁵⁰ But, according to Ragghianti, by this point, the Commissioners did not want to have any more meetings about the Gambino matter because they were concerned that they would have to recuse themselves from a decision on the Gambino case.³⁵¹ Therefore, they allowed Kowalski to decide for himself whether to cooperate with the FBI.³⁵²

According to Marie Ragghianti, the Parole Commission staff also debated whether they should inform the White House regarding the FBI's investigation. According to Ragghianti, they debated this point a "number of times" but decided not to inform the White House. While it is comforting that Parole Commission decided not to inform the White House about the investigation, it is slightly troubling that such action was even seriously considered. Clearly, the FBI was conducting a proper, authorized investigation that targeted the President's brother and potentially involved the White House. For the Parole Commission to inform the White House of such an investigation would likely have hindered the legitimate FBI inquiry.

Kowalski quickly agreed to cooperate with the FBI's investigation.³⁵³ He went to an FBI office where there were facilities to record a telephone call and placed one to Roger Clinton's cell phone.³⁵⁴ Kowalski left a voice mail for Clinton, but Clinton did not call back.³⁵⁵ Kowalski could not recall for certain whether they were ever successful in recording a live telephone conversation with Clinton but said they may have.³⁵⁶

Given their inability to obtain any useful evidence from a recorded telephone call, the FBI then arranged to record a meeting between Kowalski and Clinton at the Parole Commission

counsel, who said that the investigation had the attention of both the FBI Director & Gen'l Counsel." USPC Document Production 00870 (Meeting Notes, Jan. 26, 1999) (Exhibit 51). Ragghianti also said that Stover had told her on another occasion that he believed the investigation had been initiated in a U.S. Attorney's Office in California. *Id.*

³⁴⁷ Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001)

³⁴⁸ *Id.*

³⁴⁹ *Id.*

³⁵⁰ Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ USPC Document Production 00866 (Memorandum from Thomas C. Kowalski, Case Operations Administrator, to File (Jan. 27, 1999)) (Exhibit 58).

³⁵⁴ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

³⁵⁵ *Id.*

³⁵⁶ *Id.*

offices. In Spring 1999, Clinton called Kowalski and told him that he was coming into town for the White House Easter Egg hunt and arranged to come by the Parole Commission offices and meet with Kowalski.³⁵⁷ The FBI wired Kowalski's office with a microphone under his desk and monitored the conversation from a car in front of the building.³⁵⁸ Kowalski said the FBI had suggested questions to ask Clinton such as, "Is there anything you want me to do," and "Should I do anything further?"³⁵⁹ Clinton and Kowalski had the meeting, but Clinton did not provide any incriminating responses to Kowalski's questions.³⁶⁰ Kowalski said that after the meeting, the agents came to his office and indicated they would have to close the investigation.³⁶¹ That was the last time Kowalski recalled having contact with the FBI regarding this matter.³⁶² Indeed, it appears that the FBI's interest in Clinton's contacts with the Parole Commission did come to an end with the taped meeting between Clinton and Kowalski.³⁶³

Given the fact that the Committee has not been provided with the transcript of the taped conversation between Clinton and Kowalski, it is difficult to determine all of the reasons why the FBI was not able to pursue the investigation of Clinton's lobbying of the Parole Commission. However, Kowalski made it clear that he was not comfortable participating in the taped conversation with Clinton. Kowalski's lack of comfort likely had some impact on Roger Clinton, and if Clinton had been planning to make any illegal proposals, he was unlikely to do so in such a meeting. The failure of the taped conversation with Kowalski makes Raghianti's decision to reject the FBI undercover proposal even more significant. If the FBI was able to have a trained, professional undercover agent discussing Gambino's parole with Clinton, it might have made a significant difference in the FBI's case. However, due to Raghianti's refusal to cooperate with the FBI, it is impossible to know what would have happened.

3. Roger Clinton's Apparent Attempt to Involve the White House in the Parole Decision

One set of notes produced to the Committee by the National Archives indicates that Roger Clinton approached White House staff regarding the Gambino case. Notes produced to the Committee from the files of White House Deputy Counsel Bruce Lindsey indicate that

³⁵⁷ *Id.*

³⁵⁸ *Id.*

³⁵⁹ *Id.*

³⁶⁰ *Id.* A transcript exists of this taped conversation between Clinton and Kowalski. Despite specific requests from the Committee for the transcript, the Justice Department has refused to produce it. Despite the fact that they have provided the Committee with hundreds of pages regarding Clinton's involvement in the Gambino case, and the FBI's investigation of Clinton's role in Gambino case, the Justice Department claims that the transcript, and a number of other documents cannot be provided to the Committee because of the Department's "ongoing criminal investigation."

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ Other commission staff also had the impression that the FBI had ceased its investigation. According to Michael Stover, "things were pretty tense at the Parole Commission about this," before he went on vacation from late March to early April 1999. However, when he returned, the issue appeared to be over because "the FBI had not heard what they wanted to hear Roger say." From Stover's perspective, they had "dropped the matter." Stover said he was not aware of any other incidents in which conversations with Roger Clinton were recorded, and he was also unaware of other contacts between Roger Clinton and Parole Commission personnel. Interview with Michael A. Stover, General Counsel, USPC (July 17, 2001)

Lindsey and Clinton met on February 19 of an unknown year regarding the Gambino matter. While assigning a date to the notes without Bruce Lindsey's or Roger Clinton's cooperation is somewhat speculative, the facts suggest that the meeting most likely occurred in February 1999.³⁶⁴

Lindsey's notes reflect that Roger Clinton explained the procedural history of Rosario Gambino's criminal case and bid for parole. Clinton apparently claimed that: (1) Gambino had only dealt one kilogram of heroin; (2) Gambino's codefendants were treated more leniently than Gambino; and (3) there was no evidence that Gambino was linked to organized crime.³⁶⁵ The first and third claims are false. The second claim is true but, according to a federal appeals court, was justified in light of his leadership role in the conspiracy. Clinton apparently made special reference to Parole Commission General Counsel Michael Stover, who had rejected Clinton's previous entreaties to the Commission.³⁶⁶ Lindsey's notes state, "Michael Stover — counsel to Mike Gaines" and then have an arrow pointing from Stover's name to the word "improper," which is underlined.³⁶⁷ The notes also indicate that Clinton provided Lindsey with a number of documents relating to the Gambino parole case.³⁶⁸

Assuming that the meeting took place on February 19, 1999, and related to the Gambino parole effort rather than the Gambino clemency effort, the question is what, if any, action did Lindsey or other White House staff take as a result of the meeting with Roger Clinton. Neither Parole Commission nor White House records reflect any contacts between the White House staff and the Parole Commission regarding the Gambino case, other than the one previously described.³⁶⁹ However, Roger Clinton's attempt to reach out to Bruce Lindsey demonstrates that Clinton was intent on using his influence at the White House improperly to influence the Parole Commission's handling of the Gambino case. While Clinton may not have successfully enlisted Bruce Lindsey in his effort, it is disturbing that Clinton's overtures received any consideration at

³⁶⁴ In February 1998, Clinton was still in the middle of his series of meetings with Commission staff, and likely did not yet see the need to escalate matters to the White House. By February 2000, the Commission had rejected Gambino's bid for parole, but it was likely still too early for Clinton to be meeting with Lindsey regarding a pardon or commutation for Gambino. Nothing in the notes suggests that Clinton was asking for executive clemency; rather, the discussion appeared to be limited to parole. In addition, Gambino's commutation petition was not filed with the White House until November 2000. NARA Document Production (Petition for Commutation, Nov. 2000) (Exhibit 59). In February 1999, on the other hand, Clinton was still trying to obtain meetings with Parole Commission staff, but their receptiveness had dropped off considerably, since, unknown to Clinton, the FBI was investigating the matter. In January 1999, the Commission overturned the preliminary decision in favor of Gambino, and was moving towards a final resolution of Gambino's parole bid in April 1999. A final piece of evidence supporting the conclusion that the meeting took place in February 1999 is the fact that Bruce Lindsey conducted legal research regarding the Gambino case in April 1999. NARA Document Production (Summary page from Lexis-Nexis Research, the White House, Apr. 5, 1999) (Exhibit 60). This research may have been prompted by Clinton's meeting with Lindsey. Accordingly, February 1999 is the likely time when Roger Clinton approached Lindsey and asked for his assistance with Gambino's parole bid.

³⁶⁵ NARA Document Production (Handwritten Notes) (Exhibit 61).

³⁶⁶ *Id.*

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ The contact took place in January 1996 when Commissioner Michael Gaines called Trey Schroeder at the White House to let him know that Clinton was contacting the Commission about Gambino. *See* n.195 and accompanying text.

the Clinton White House at all, much less the lengthy meeting and follow-up research indicated by the documents in Lindsey's file.

Despite Roger Clinton's efforts, Rosario Gambino's bid to obtain parole failed. In April 1999, the Parole Commission denied Gambino's final appeal and set a parole date of March 2007.³⁷⁰

D. Roger Clinton's Financial Relationship with the Gambinos

Undeterred by his failure to win parole for Rosario Gambino, Roger Clinton's contacts with the Gambino family continued. Clinton's relationship with Tommy Gambino included a March 1999 trip together from Los Angeles to Washington, D.C.³⁷¹ It is unknown what Gambino and Clinton did in Washington or with whom they met.

Clinton's relationship with Gambino also had a significant financial dimension. In 1999, Roger Clinton was playing a game of pick-up golf with three strangers at a public course in Los Angeles.³⁷² Somewhere near the tenth hole, Tommy Gambino drove up in a golf cart and had a brief conversation with Clinton, handed Clinton a box, and left.³⁷³ Clinton told his golfing partners that the person who had been talking to him was Tommy Gambino and that he was "helping" Tommy Gambino's father.³⁷⁴ Clinton then opened the box Gambino had given him. In the box was a gold Rolex watch.³⁷⁵ What Roger Clinton did not know was that two members of his foursome were Air Force intelligence officers.³⁷⁶ They were apparently troubled by Clinton's relationship with Gambino and the receipt of the Rolex and reported the incident to the FBI, which was continuing its investigation.³⁷⁷

Later in 1999, Clinton received a \$50,000 payment from the Gambinos. On September 27, 1999, Anna Gambino, Tommy Gambino's sister, wrote a check to Roger Clinton's company in the amount of \$50,000 dated September 29, 1999.³⁷⁸ The funds used to pay Clinton appear to have originated with Lisa Gambino in Staten Island, New York. Anna Gambino deposited three cashier's checks from Lisa Gambino dated April 30, 1999, totaling \$227,889.97 into the account

³⁷⁰ USPC Document Production 00010 (Sentence Monitoring Computation Data, Mar. 19, 2001) (Exhibit 62).

³⁷¹ American Express Document Production (Exhibit 63).

³⁷² Alison Leigh Cowan, *Roger Clinton's Dogged Effort for Drug Trafficker*, N.Y. TIMES, Aug. 26, 2001. The Committee requested records relating to this matter, including summaries of FBI interviews with the Air Force intelligence officers. The Justice Department declined to produce those records to the Committee because of its ongoing criminal investigation of Roger Clinton.

³⁷³ Alison Leigh Cowan, *Roger Clinton's Dogged Effort for Drug Trafficker*, N.Y. TIMES, Aug. 26, 2001.

³⁷⁴ *Id.*

³⁷⁵ *Id.*

³⁷⁶ *Id.*

³⁷⁷ *Id.*

³⁷⁸ The discovery of this check in Roger Clinton's bank records is what led the Committee to begin inquiries regarding Rosario Gambino. When the Committee received the original check from Tommy Gambino in response to a subpoena, it became apparent that the check had been filled out by three different individuals using three different pens. Anna Gambino apparently signed the check, which was presumably blank; Tommy Gambino then apparently filled out the amount of the check, \$50,000; and then the "payable to" line was filled out in Roger Clinton's handwriting, payable to Odgie Music. Tommy Gambino Document Production (Exhibit 64).

from which she later paid Roger Clinton's company \$50,000.³⁷⁹ The bank records indicate that without this deposit, there would have been insufficient funds to cover the check to Clinton.³⁸⁰ However, Lisa Gambino has refused to answer requests for an interview. Accordingly, the Committee has been unable to determine the nature of the relationship between Lisa Gambino and Anna Gambino or why Lisa Gambino paid Anna Gambino the money.³⁸¹

Other evidence connects Lisa and Anna Gambino to reputed organized crime figures. Both the accounts of Anna and Lisa Gambino received frequent inflows of funds from Antonio Genovese,³⁸² a New York businessman who was partners with Giovanni Gambino in G&G Concrete Company.³⁸³ Giovanni "John" Gambino is the brother of Rosario Gambino and was convicted of murder and heroin distribution, together with his other brother, Giuseppe "Joe" Gambino.³⁸⁴ G&G Concrete played a central role in a 1995 dispute between another New York construction firm, Nasso and Associates, and the city's School Construction Authority ("SCA"). The disagreement was settled, but according to reports, Nasso had failed to disclose that it received financing from G&G Concrete partner Antonio Genovese.³⁸⁵ Both Genovese and John Gambino had worked for Julius Nasso, the grandfather of the principal of Nasso and Associates, before forming G&G Concrete.³⁸⁶ According to news reports:

Testimony at the 1987 trial of Genovese mob boss Anthony Salerno's [sic] disclosed that the elder Nasso met with then-Gambino boss Paul Castellano and others in an effort to convince another firm to step aside and let Nasso take the \$26 million Javits Convention Center job.³⁸⁷

The controversy led to Nasso and Associates being prohibited from bidding on New York City school projects.³⁸⁸

³⁷⁹ Fidelity Federal Document Production (Exhibit 65).

³⁸⁰ Fidelity Federal Document Production (Exhibit 66).

³⁸¹ The Committee was, however, able to determine the source of the funds. The cashier's checks provided to Anna by Lisa Gambino were the proceeds of a \$499,000 mortgage on her home in Staten Island, New York. Staten Island Savings Bank Document Production (Exhibit 67). In the loan application documents, Lisa Gambino wrote a note in her own hand indicating she was seeking the loan "for an investment." Staten Island Savings Bank Document Production (Exhibit 68). Given the refusal of Roger Clinton and Tommy Gambino to cooperate, however, the Committee has also been unable to definitively determine the purpose of the \$50,000 payment to Roger Clinton. However, as discussed below, Clinton suggested to the FBI and the media that the money was a loan, which appears to be false.

³⁸² See Fidelity Federal Document Production.

³⁸³ William K. Rashbaum, *Concrete Case; Firm Allegedly Tied to Mob Helps Build Federal Prison*, NEWSDAY, Jan. 23, 1995.

³⁸⁴ Selwyn Raab, *Two Admit Importing Heroin For Mafia Crime Family*, N.Y. TIMES, Jan. 7, 1994.

³⁸⁵ William K. Rashbaum, *Concrete Case; Firm Allegedly Tied to Mob Helps Build Federal Prison*, NEWSDAY, Jan. 23, 1995.

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ *Id.*

E. The FBI's Interview of Roger Clinton

In the same time that Roger Clinton was receiving \$50,000 and a gold Rolex from the Gambinos, the FBI was continuing its investigation of his relationship with Tommy Gambino. The report of Clinton's receipt of the Rolex reinvigorated the investigation, leading to the interview of Clinton. At some point in 1999, the Justice Department also issued a grand jury subpoena to Tommy Gambino.³⁸⁹ Through his attorney, James Henderson,³⁹⁰ Gambino informed the Justice Department that he planned on invoking his Fifth Amendment rights.³⁹¹ Accordingly, the Department did not call Gambino to the grand jury.³⁹² Instead, Gambino and his attorney participated in an interview with the Justice Department.³⁹³ However, reportedly, little resulted from the interview.³⁹⁴ Due to the Justice Department's decision to withhold documents selectively relating to the Clinton-Gambino investigation from the Committee, including the Tommy Gambino interview summary, it is not clear exactly what Gambino was questioned about, whether he was truthful, or whether he was interviewed before or after Roger Clinton.

On September 30, 1999, the same day that Roger Clinton deposited the \$50,000 Gambino check, two FBI agents interviewed Clinton at his home in California.³⁹⁵ It is not clear what prompted the FBI's interview, and specifically, whether they were aware of the \$50,000 check. The FBI interview summary shows that Clinton attempted to mislead the FBI agents on several occasions and had to change his story a number of times. Even with Clinton's belated efforts to correct his falsehoods, in the end he appears to have lied to the FBI agents about multiple topics.

1. Roger Clinton's Statements Regarding His Brother's Knowledge

Clinton's first falsehood related to whether he discussed his efforts on behalf of Gambino with President Clinton:

Clinton stated he did not discuss his decision to assist the Gambino family in this case with anyone. . . . Clinton stated he did not tell his brother, the President of the United States, specifically what he was working on. He believes, however, that the President knew he had some business with the U.S. Parole Commission, but did not know specifically what he was working on. He did not tell his brother that he was working on the Rosario Gambino case. He did not seek advise [sic]

³⁸⁹ Interview with Judge Stephen Larson, former Assistant U.S. Attorney, Central District of California (Aug. 16, 2001).

³⁹⁰ Although Henderson is the former head of the Justice Department's Organized Crime Strike Force in Los Angeles, he has represented individuals alleged to have ties to organized crime, including Tommy Gambino, Louis Caruso, a "reputed soldier in the Los Angeles mob family," and Ronald "The Cigar" Sacco, an alleged \$1 billion per year bookie with reputed ties to organized crime families. John L. Smith, *Oddsmaker Going Back to Control Board to Clear His Name*, LAS VEGAS REVIEW JOURNAL, June 11, 1997; Seth Rosenfeld, *Alleged Bookie Gets Huge Bail*, SAN FRANCISCO EXAMINER, Dec. 31, 1993.

³⁹¹ Interview with Judge Stephen Larson, former Assistant U.S. Attorney, Central District of California (Aug. 16, 2001).

³⁹² *Id.*

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ DOJ Document Production FBI-RC-00001 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

or referrals from the President in his efforts to contact the Parole Commission on behalf of Rosario Gambino.³⁹⁶

As discussed earlier, Clinton told Thomas Kowalski the opposite. According to Kowalski, Clinton explicitly told him on several occasions that the President knew what Roger was doing for Gambino.³⁹⁷ Michael Stover's contemporaneous record of his conversation with Clinton in January 1996 is also far more consistent with Kowalski's recollection than with Clinton's claims to the FBI:

[Roger Clinton] began the conversation by informing me that his brother "[i]s completely aware of my involvement." Roger Clinton stated that his brother had recommended to him that he not meet with Commissioner Getty . . . because Commissioner Getty's Kansas City Regional Office was about to be closed. Roger Clinton informed me that his brother suggested that he contact Commissioner Gaines instead.³⁹⁸

Clinton told Kowalski that the President knew of his efforts on behalf of Gambino; then, he told the FBI that he never discussed the matter with his brother. Clinton told Stover that the President was actively advising him in his efforts to contact the Commission; then, he told the FBI that his brother was not involved at all. If he had said nothing further on the matter, the worst one could conclude would be that either Clinton was lying to Kowalski and Stover or he was lying to the FBI. However, Clinton went further by telling the FBI "that he did not represent to anyone on the Parole Commission that his brother was aware of his efforts to assist the Gambino family or that the President was supporting his effort to assist in getting Rosario Gambino released from prison."³⁹⁹ If Kowalski is to be believed, then Clinton's statement is false. According to Kowalski, Clinton did represent that his brother was aware of his efforts to assist Gambino.⁴⁰⁰ Unlike Clinton's statement to the FBI, Kowalski's statement is not a self-serving denial standing alone. Rather, Kowalski has no discernable motivation to lie, and his recollection about Clinton's representation of his brother's knowledge is consistent with the contemporaneous, written record of a conversation in which Clinton made very similar statements to Stover.⁴⁰¹

2. Roger Clinton's Statements Regarding Payment from the Gambinos

Clinton told the FBI that his efforts on behalf of Rosario Gambino were "above board."⁴⁰² He told the agents that immediately after learning that Commission personnel were unable to discuss particulars of the case with him without violating the Privacy Act, he

³⁹⁶ *Id.* at FBI-RC-00003.

³⁹⁷ *See* n.251 and accompanying text.

³⁹⁸ USPC Document Production 00894 (Memorandum from Michael A. Stover, General Counsel, to File (Jan. 31, 1996)) (Exhibit 42).

³⁹⁹ DOJ Document Production FBI-RC-00003 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

⁴⁰⁰ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

⁴⁰¹ USPC Document Production 00894 (Memorandum from Michael A. Stover, General Counsel, to File (Jan. 31, 1996)) (Exhibit 42).

⁴⁰² DOJ Document Production FBI-RC-00003 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

“processed the proper paperwork to register as an official representative of Rosario Gambino.”⁴⁰³
The agents then began to ask about compensation for Clinton’s assistance:

Clinton was asked if he was ever given anything of value for his assistance in this matter. He advised he had not received anything for this assistance. Clinton stated that Tommy Gambino said if he (Clinton) could help get his father released from prison, “we will take care of you.” Clinton said that he knows what that means. He stated “I’m not stupid, I understand what the big picture is.” . . . Clinton advised it was his understanding [that] if he were successful, he would be financially compensated. . . . Clinton then stated that he had received two airline tickets to Washington D.C. from Tommy Gambino and expenses for the trips. Tommy Gambino put the airline tickets on his credit card. Clinton also admitted to having received an undisclosed amount of expenses, but did not provide any information as to how the expense money was furnished to him.⁴⁰⁴

The trip to Washington D.C. mentioned here appears to be a different trip than the one mentioned earlier, because the earlier trip was paid for on Roger Clinton’s company credit card, not on Gambino’s. Accordingly, Clinton and Gambino may have traveled to Washington together on more than one occasion.

After Clinton initially denied that he had ever received anything of value for his assistance to the Gambino family (other than the airline tickets and expense money), the agents began questioning him about any gifts he may have received from the Gambinos. Clinton then partially addressed the \$50,000 he had either just received or was about to receive from Gambino that day:⁴⁰⁵

Clinton advised he is currently trying to buy a house in the Torrance, California area and Tommy Gambino has offered to loan him an undisclosed amount of money for the down payment. This loan is not compensation for his assistance to the Gambino’s [sic] in attempting to get Rosario Gambino released from prison. The offer is for a loan which must be repaid. It is not to give Clinton the money. This offer was made regardless of the outcome with Clintons [sic] efforts to obtain Rosario Gambino’s release.⁴⁰⁶

⁴⁰³ *Id.* It appears that this statement was also untrue. The Parole Commission did not provide the Committee with any such paperwork, and internal Parole Commission documents repeatedly refer to the fact that Clinton had not filed the appropriate paperwork under the Privacy Act. *See, e.g.*, USPC Document Production 00879 (Memorandum from Sharon Gervasoni, DDAEO, to Marie Ragghianti, Chief of Staff (Sept. 23, 1998)) (Exhibit 69).

⁴⁰⁴ *Id.* at FBI-RC-00004.

⁴⁰⁵ The Roger Clinton FBI interview summary does not state what time of day on September 30 the interview was conducted. Similarly, Roger Clinton’s bank records do not indicate what time of day Clinton deposited the \$50,000 check from Gambino. In the absence of more documentation, it is difficult to be certain that Clinton had received the Gambino check at the time of the FBI interview. However, considering the fact that the check was dated September 29, and deposited September 30, it is distinctly possible that Clinton received the check before September 30. If Clinton had the check in his possession at the time of the FBI interview, his statements about payment from Gambino would have been explicitly false.

⁴⁰⁶ *Id.* at FBI-RC-00005–06.

Clinton's explanation of the Gambino "loan offer" is misleading for a number of reasons. First, if Clinton had received the \$50,000 check from Anna Gambino at the time of the interview, his statements would clearly be misleading, as he would have received an actual payment, not just an "offer." Second, there is no evidence that the payment from Gambino was a loan, or was ever intended to be a loan. There is no record of repayment of the \$50,000 in either Clinton's or Gambino's bank records.

Also undermining Clinton's claims that the money from Gambino was a loan are the other large payments Clinton received in this same period, which were clearly intended to be loans and which Clinton repaid in short order. For example, in the same time period, Clinton received and repaid a large loan from Gerard Guez, CEO of the Tarrant Apparel Group. According to Guez, Clinton said he needed money to buy a house and promised to repay Guez from funds he would soon receive as payment for a performance in Korea.⁴⁰⁷ On October 25, 1999, Guez wired \$100,000 to Roger Clinton's business checking account.⁴⁰⁸ Less than three months later, Clinton had repaid the entire amount (with no interest) through two checks from his personal checking account: one on December 17, 1999, for \$50,000 and another on January 6, 2000, also for \$50,000.⁴⁰⁹ Clinton did purchase a home for \$570,000 on September 27, 1999, with a down payment of \$114,000.⁴¹⁰ The deed transfer was recorded on October 29, 1999, four days after Guez wired the funds and two days after Clinton withdrew \$115,703 from his account.⁴¹¹ The \$100,000 from Guez appears to have been the primary source of funds for the down payment rather than the \$50,000 from Gambino. Even if Roger Clinton used some of the money from Gambino (\$15,703 at most) for the down payment, there appears to be no record of his repaying any of it. This is in contrast to the \$100,000 from Guez, which Roger repaid in full within three months. Accordingly, the claim that the payment from Gambino was a loan for a down payment on his house is clearly false.

There is also evidence that Clinton attempted to coach Tommy Gambino and influence his potential testimony regarding this payment. When it became clear that the Committee was investigating the \$50,000 payment from Gambino, Roger Clinton reportedly called Gambino and attempted to convince him that the payment had been a loan. As *The New York Times* reported:

According to one person close to the Gambinos, Roger Clinton called Tommy Gambino on Monday [June 25, 2001] because questions were being raised about the 1999 payment.

"Don't you remember this is money you gave me for my house for a loan?" this person quoted Roger Clinton as saying to Tommy Gambino.

Tommy Gambino, this person said, thought it best not to reply on the chance that the phone was tapped.⁴¹²

⁴⁰⁷ Telephone Interview with Gerard Guez, CEO, Tarrant Apparel Group (June 11, 2001).

⁴⁰⁸ Bank of America Document Production (Exhibit 70).

⁴⁰⁹ Bank of America Document Production (Exhibit 71).

⁴¹⁰ Property Transfer Record, Los Angeles County, CA (Doc. #:99-2032105).

⁴¹¹ *Id.*; Bank of America Document Production (Exhibit 72).

⁴¹² Alison Leigh Cowan, *Pardon for Felon Considered After Kin Paid Roger Clinton*, N.Y. TIMES, June 28, 2001.

3. Roger Clinton's Statements Regarding the Rolex Watch

Roger Clinton also attempted to mislead the interviewing FBI agents regarding the gold Rolex that he received from Tommy Gambino. Clinton first attempted to tell the agents that he never received any gifts from Gambino and then altered his story several times:

Clinton was asked if he had received any gifts from Tommy Gambino while he was assisting the family with the case, and Clinton initially responded "no." After further inquiry, Clinton then advised "I was shown a Rolex watch once, but it was not given to me." Clinton explained that the watch was on the wrist of Tommy Gambino who asked Clinton if he ever had a Rolex.

Clinton related that he and Tommy Gambino were discussing watches and cigars at a coffee shop in Beverly Hills, the name and location of which Clinton could not remember.

* * *

Clinton stated that after leaving the coffee shop, Tommy Gambino took him to look at watches at an unnamed "pawn shop," also in Beverly Hills, California where they encountered actor and Hollywood celebrity George Hamilton. Clinton said Hamilton, who is "a friend of Tommy's," sells watches and cigars. Clinton said Hamilton had a briefcase full of watches which he displayed to Clinton and Gambino, but they left without buying a watch.⁴¹³

So, Clinton's initial response when asked specifically about the watch was to deny that he had ever received one. That version of events, however, did not withstand scrutiny for long:

Clinton subsequently reversed his earlier denials and admitted to having actually received a watch from Tommy Gambino, who told him it was an "Italian custom" to give such a gift as a token of appreciation. Clinton could not remember either when he was given the watch, or where he was when he received it. Clinton claimed, however, he did not keep it, but returned it to Gambino after he had "heard" the watch is a "fake." Clinton could not remember who told him the watch was an imitation, or when he had learned it was a "fake."⁴¹⁴

Thus, Clinton's second story was that he did receive a watch from Gambino but had returned it. Again, this story did not withstand scrutiny and was withdrawn:

Clinton again amended his previous statement when pressed for details regarding the watch's return. Clinton stated that even though it was supposed to be "a fake," he did not return the watch because it was a gift of appreciation from the family. Clinton contended that he never wore it because it was "too gaudy" with a thick

⁴¹³ DOJ Document Production FBI-RC-00004-05 (Summary of Interview with Roger Clinton, Oct. 1, 1999) (Exhibit 1).

⁴¹⁴ *Id.* at FBI-RC-00005.

gold band and a blue face. Clinton said he was confused in that he did not know the present location of the watch. Clinton stated “Tommy could have it,” or that he may actually still have the watch. He stated “he really didn’t know.” Clinton advised “It could be in my flippin trunk for all I know, it could be in my garage, or almost anywhere.” Clinton offered to locate the watch “if it is really important, but it’s going to take a lot of effort, so don’t ask unless you really need it.” Clinton was asked to look for the watch after the interview and contact the interviewing agents if he located it. Clinton agreed to do so.

Clinton asked if Tommy Gambino was in trouble and if he was involved in something Clinton should know about. He stated that as far a [sic] he knew, Tommy Gambino is very clean.⁴¹⁵

Hence, Clinton’s third version was that he had received the watch, did not return it, and was unsure of its location. Despite all three earlier claims, Clinton later produced a Rolex watch to the agents and offered the following explanation of how he had obtained it:

Clinton stated that he does now own a silver Rolex watch. He bought it from an unknown street vendor in front of a “rainbow” or “multicolored” hotel in Tijuana, Mexico. He paid \$250 dollars for the watch in cash and has no receipt of the purchase. He could not provide either the name, street address or approximate location of the hotel.⁴¹⁶

At this point in the interview, the agents took the unusual step of warning Clinton about the potential consequences of lying to the FBI:

[T]he interviewing agents advised Clinton of the provisions of Title 18, U.S. Code Section 1001 and the criminal exposure of making false statements to federal agents. Clinton was informed it was a violation of law to provide false information to federal law enforcement officers and that he could be prosecuted, fined and imprisoned for doing so. Clinton was then asked, after being advised of Title 18, U.S. Code Section 1001, would he care to change or otherwise amend any of his previous statements, and Clinton replied “No,” he was comfortable with what he had said.⁴¹⁷

Clinton’s bumbling efforts to mislead the interviewing FBI agents should not distract from the central fact that Roger Clinton was attempting to conceal from the FBI the true nature of his relationship with Tommy Gambino, reputed underboss of the Los Angeles Mafia, and his efforts to win the release of Rosario Gambino, a convicted heroin trafficker and organized crime figure. Clinton’s efforts on behalf of the Gambino family were not merely embarrassing. His behavior was unconscionable and his attempts to conceal certain key aspects of his involvement from the FBI were illegal. Clinton was attempting to use his influence to affect the decision of the U.S Parole Commission; he was receiving money from the Gambino family; and he may

⁴¹⁵ *Id.*

⁴¹⁶ *Id.* at FBI-RC-00006.

⁴¹⁷ *Id.*

have been doing it with the full knowledge of his brother, the President. For Roger Clinton to refuse to cooperate fully and truthfully with the FBI in an investigation of these deeply disturbing issues only strengthens the conclusion that Clinton knew his activity was highly unethical and quite possibly illegal.

F. The Efforts to Obtain Executive Clemency for Rosario Gambino

In November 2000, Rosario Gambino requested that President Clinton exercise his power of executive clemency and commute his prison sentence. Gambino filed with the White House a two-page commutation petition, as well as a twelve-page brief with a number of attachments.⁴¹⁸ Gambino's brief in support of his commutation request made a number of familiar arguments: (1) that Gambino was given a higher "offense severity rating" than his co-conspirators; (2) that Gambino had been subjected to prejudice based on national origin; and (3) that Gambino had an "outstanding institutional record" and strong family support, which merited release from prison.⁴¹⁹

The arguments raised by Gambino were seriously flawed. As has been noted before, a federal appeals court explicitly rejected the first two. The Parole Commission repeatedly and properly found that Gambino's offense severity rating was correctly set at level eight, the highest available to the Commission. This rating was based on the courts' and the Commission's judgment that Gambino was at the head of a major heroin distribution ring and had been involved in other major organized criminal activities. Gambino's argument focused on the claim that his co-defendants received a less severe rating of level six while being equally involved in the heroin distribution ring. This claim does not have great merit. First, there was evidence that it was Rosario Gambino, rather than Erasmo Gambino or Anthony Spatola, who headed the heroin distribution ring. In addition, the Parole Commission also determined that Erasmo Gambino may have incorrectly been granted a rating of level six, and likely should have received a more severe rating. The Commission found that it "need not give the ringleader of a major heroin conspiracy a lower rating just because his subordinates have been rated too low."⁴²⁰

It also appears that Gambino's arguments of discrimination based on national origin were completely spurious. The only evidence cited in support of Gambino's claim was a Parole Commission memo stating that "Gambino appears to come from an immigrant background in which family connections are simply exploited (as in the current offense) to get around the law."⁴²¹ This quote simply provides no evidence of prejudice against Gambino. Indeed, the Ninth Circuit Court of Appeals summarily rejected Gambino's claim of racial prejudice.⁴²² The Court likely recognized that the Commission memo stated a simple fact, namely that Gambino's background indicated that he did, in the current offense, employ family loyalty as a tool to ensure the success of his criminal enterprise.

⁴¹⁸ NARA Document Production (Petition for Commutation, Nov. 2000) (Exhibit 59).

⁴¹⁹ *Id.*

⁴²⁰ USPC Document Production 00664 (Memorandum from John R. Simpson, Commissioner, to National Commissioners (Jan. 13, 1999)) (Exhibit 55).

⁴²¹ USPC Document Production 00890 (Memorandum from Thomas C. Kowalski, Case Operations Manager, to Michael J. Gaines, Chairman (Dec. 24, 1997)) (Exhibit 44).

⁴²² *Gambino v. United States Parole Comm'n*, 216 F.3d 1083 (9th Cir. Cal. 2000).

Gambino's claim that he was a model prisoner was incorrect. Gambino did have one official infraction in his prison record, and the Committee also learned that Gambino was transferred from at least one prison because he was "muscling" other prisoners.⁴²³ While these offenses may not be as serious as other inmates' infractions, they are not the actions of a model prisoner. Finally, Gambino argued brazenly that he had "strong family support" and could be provided a job by his son Tommy upon release. Given the allegations suggesting that Tommy Gambino is an organized crime figure in his own right and that his business partner is convicted mobster Dominick "Donnie Shacks" Montemarano,⁴²⁴ it is hardly an argument for Rosario Gambino's release that he would return home and take a job in the "family business."

It is clear that the Gambino commutation petition was filed with the White House and rejected at some point in January 2001. Beyond that, few facts about consideration of his petition are known. The inability to discover this information is the result of two unfortunate decisions. First, former Deputy White House Counsel Bruce Lindsey and former Associate White House Counsel Meredith Cabe refused to be interviewed by Committee staff regarding their handling of the Gambino matter. Second, the Bush Administration withheld from the Committee four deliberative documents regarding the Gambino commutation decision.⁴²⁵ Both of these decisions are disturbing. Lindsey and Cabe would be able to shed light on whether the President was receptive to his brother's pleas and how close the Gambino commutation came to being granted. It is difficult to understand why the Bush Administration would want to withhold from the Committee key documents about the Gambino matter. The documents have a direct bearing on an apparent attempt by the former President's brother to sell his access to the White House to an alleged member of the Sicilian Mafia. Documents like these, which have a direct bearing on a case involving the sale of access to the clemency process by a presidential sibling, should not be withheld from Congress. The decision of the Bush Administration to withhold these documents has kept the Committee from determining how the Gambino commutation request was handled at the White House. These documents likely would inform the Committee whether the Gambino commutation was seriously considered, what position White House staff took on the matter, and whether the President was receptive to the Gambino request.

The few documents received by the Committee suggest that the Gambino commutation may have received serious consideration at the White House. Two documents located in the files of Meredith Cabe indicate that Cabe requested a National Crime Information Center ("NCIC") background check on Rosario Gambino.⁴²⁶ Cabe was the primary attorney in the White House Counsel's office handling clemency-related matters in the waning days of the Clinton Administration.⁴²⁷ The two documents were printed from a computer diskette labeled, "pardon lists."⁴²⁸ One of the documents reads as follows:

⁴²³ Telephone Interview with Thomas Kowalski, Case Operations Manager, USPC (July 27, 2001).

⁴²⁴ See Arnold H. Lubasch, *2 Convicted of Racketeering In Mafia Construction Case*, N.Y. TIMES, July 18, 1987 (describing Montemarano's conviction).

⁴²⁵ Letter from Gary M. Stern, General Counsel, National Archives and Records Administration, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (Aug. 2, 2001) (within Appendix I).

⁴²⁶ NARA Document Production (Typewritten Notes) (Exhibit 73).

⁴²⁷ Interview with Meredith Cabe, former Associate White House Counsel, the White House (Mar. 16, 2001).

⁴²⁸ NARA Document Production (Typewritten Notes) (Exhibit 73).

NCIC for Michael Mahoney?

NCIS [sic]⁴²⁹ for Rosario Gambino, [date of birth redacted], no social security number, incarcerated at Terminal Island, CA

Please provide all information known regarding Kimberly Johnson's incident report for "threatening bodily harm"

Ask DOJ to contact sentencing judge in Diana G. Nelson case?

NCIC: Peter Ninemire, [date of birth redacted], [social security number deleted]: what happened if we commute entire federal sentence; is he remanded to state custody???⁴³⁰

The other document prepared by Cabe reads as follows:

1. NCIC Checks

Michael Mahoney,

Rosario Gambino, [date of birth redacted], no social security number, incarcerated at Terminal Island, CA

Peter Ninemire, [date of birth redacted], [social security number deleted]:

John Bustamante, [date of birth redacted], [social security number deleted]

2. Follow up questions

Kimberly Johnson: please provide all information known regarding incident report for "threatening bodily harm"

Diana G. Nelson: Please contact sentencing judge regarding position on commutation.

Peter Ninemire: can you determine what happened if we commute entire federal sentence; is he remanded to state custody???⁴³¹

These documents suggest that Gambino may have been a serious candidate for clemency. Cabe was interviewed by Committee staff prior to the discovery of the Clinton-Gambino matter and explained that she was responsible for obtaining NCIC checks on serious candidates for clemency.⁴³² The purpose of such a background check was to ensure that there was no further

⁴²⁹ The reference "NCIS" is apparently a typographical error by Cabe. Supporting this conclusion first is the fact that there is no relevant database called "NCIS." Second, the preceding sentence references NCIC. Third, another document prepared by Cabe indicates that she was requesting an NCIC check on Gambino.

⁴³⁰ NARA Document Production (Typewritten Notes) (Exhibit 73).

⁴³¹ NARA Document Production (Typewritten Notes) (Exhibit 73).

⁴³² Interview with Meredith Cabe, former Associate White House Counsel, the White House (Mar. 16, 2001).

criminal activity on the part of the petitioner that had not been disclosed on the petition.⁴³³ The fact that the White House was requesting a background check on Gambino suggests that his name had passed some level of serious scrutiny, and the White House was considering the commutation. The other names listed with Gambino's also suggest that the commutation was being seriously considered. Gambino's name is listed with Michael Mahoney, Peter Ninemire, John Bustamente, Kimberly Johnson, and Diana G. Nelson.⁴³⁴ Three of those five individuals received executive clemency.⁴³⁵ This fact indicates that Cabe's list was not some preliminary list of individuals whose names had been received by the White House. Rather, since sixty percent of those on the list with Gambino actually received executive clemency, the list appears to consist of individuals receiving serious consideration.

The Committee has not been able to determine exactly when the President decided not to grant clemency to Rosario Gambino. However, Roger Clinton's telephone records make it appear that he was holding out hope for a commutation until the final moments of the Clinton Administration. The very first call placed by Roger Clinton after the expiration of his brother's term as President on January 20, 2001, was to the cell phone of Tommy Gambino. It seems likely that the call was to break the news to Tommy Gambino that his father would not be receiving a commutation. Supporting this conclusion is the fact that Clinton also placed telephone calls to three other individuals immediately after his call to Gambino, informing them that they did not receive the pardons that Roger Clinton had been attempting to get them. After he called Tommy Gambino, Roger Clinton called Dan Lasater, George Locke, and Joseph "Jay" McKernan and informed them that the President had not granted them pardons, despite Roger's request.⁴³⁶

The Rosario Gambino case is one of the most disturbing matters reviewed by the Committee as part of its clemency investigation. The President's brother worked to free a convicted heroin dealer and member of organized crime from prison. The President's brother engaged in these activities because of his friendship with Tommy Gambino, himself a reputed senior organized crime member. He also engaged in these efforts because of the promise of a lucrative reward from the Gambino family, a reward that Clinton received in part, even though he did not succeed in winning Rosario Gambino's release. Moreover, when questioned by the FBI, Roger Clinton lied repeatedly in order to cover up the true nature of his relationship with the Gambino family. This episode sets a new low for presidential siblings.

III. THE LINCECUM PARDON OFFER

Among the first public reports of Roger Clinton's pardon-related activities was the story of Garland Lincecum. Garland Lincecum has claimed that he and his family were bilked out of

⁴³³ *Id.*

⁴³⁴ NARA Document Production (Typewritten Notes) (Exhibit 73).

⁴³⁵ See "Clemency Recipients" <<http://www.usdoj.gov/pardon/recipients.htm>> (Pardons Granted by President Clinton and Commutations Granted by President Clinton).

⁴³⁶ Telephone Interview with Dan Lasater (May 7, 2001); Telephone Interview with George Locke (Mar. 27, 2001); Telephone Interview with Joseph "Jay" McKernan (Apr. 10, 2001). See also Verizon Document Production (Roger Clinton Phone Bill, Feb. 1, 2001) at 8-9.

\$235,000 by Roger Clinton and two of his associates, Dickey Morton and George Locke, who claimed that they could sell presidential pardons.⁴³⁷

Garland Lincecum was convicted in July 1998 along with three co-defendants for wire fraud and mail fraud in connection with a scheme to defraud investors of \$8 million.⁴³⁸ Lincecum's co-defendants were Valerie Miremadi, Anthony Miremadi, and Paul Eggers, a former general counsel to the Treasury Department in the Nixon Administration and candidate for the governorship of Texas.⁴³⁹ All were convicted for their roles in the scheme. Lincecum was sentenced to 87 months in prison, which he began serving in April 1999.⁴⁴⁰ According to the government, the defendants had engaged in a "prime bank" fraud, a common scheme described by the Securities and Exchange Commission as involving "the purported issuance, trading, or use of so-called 'prime' bank, 'prime' European bank or 'prime' world bank financial instruments, or other 'high yield investment programs[.]'"⁴⁴¹ Investors are told that "prime banks" use their funds for short-term loans and that they will be able to earn a return of 100 percent or more.⁴⁴² Lincecum, however, maintains that little or no money was actually lost in this investment scheme and that all investors' funds were treated with care.⁴⁴³

Lincecum also had a prior conviction from 1982 for transporting an individual across state lines in furtherance of a fraudulent scheme.⁴⁴⁴ Lincecum served 40 months in prison on those charges but maintains that he is innocent of any crime for his role in either fraudulent scheme.⁴⁴⁵ He also believes that his co-defendants in the 1998 trial received much lighter sentences than he did, despite their more serious involvement in the investment plan.⁴⁴⁶

The other key actors in the Lincecum matter were George Locke and Dickey Morton. George Locke was an Arkansas State Senator from 1970 to 1983 but was convicted of cocaine distribution charges in 1986.⁴⁴⁷ Locke's conviction stemmed from drug dealing activities he conducted in Arkansas in the 1980s together with Dan Lasater and Roger Clinton.⁴⁴⁸ Locke was also a partner of Lasater's in the investment firm of Collins, Locke, and Lasater in Little Rock.⁴⁴⁹

⁴³⁷ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴³⁸ *Nixon Official Facing 5 Years for Fraud*, UNITED PRESS INTERNATIONAL, Aug. 1, 1998.

⁴³⁹ *Id.*

⁴⁴⁰ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁴¹ "Warning to All Investors About Bogus 'Prime Bank' and Other Banking-Related Investment Schemes," Securities and Exchange Commission, <<http://www.sec.gov/divisions/enforce/primebank.shtml>>.

⁴⁴² *Nixon Official Facing 5 Years for Fraud*, UNITED PRESS INTERNATIONAL, Aug. 1, 1998.

⁴⁴³ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁴⁴ *Id.* Lincecum's prior conviction related to his role in finding investors for a fraudulent gold refining process. Lincecum and two other individuals claimed to have a new process for refining gold ore. Lincecum and his investors then used the ore, which authorities charged was worthless, as collateral to borrow \$250,000 from a bank in Pennsylvania. Lincecum and his partners were all convicted. Interview with Robert "R.V." Wilson (Apr. 25, 2001).

⁴⁴⁵ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁴⁶ *Id.*

⁴⁴⁷ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 1 (May 18, 2001) (within Appendix I).

⁴⁴⁸ Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001).

⁴⁴⁹ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 1 (May 18, 2001) (within Appendix I).

Dickey Morton was a star running back for the University of Arkansas during the 1970s who then played briefly for the Pittsburgh Steelers. In 1974, Morton married Sandra Clark, who was the daughter of Jimmy Clark, Locke's business partner.⁴⁵⁰ Locke and Morton have been close since 1973 and have had a number of business ventures together.⁴⁵¹

A. Garland Lincecum's Account

1. The Initial \$35,000 Payment

The first time that Garland Lincecum discussed a presidential pardon with anyone was in August 1998 after he was convicted in the prime bank fraud but before he was sentenced.⁴⁵² Richard Cayce, a longtime business associate, approached Lincecum.⁴⁵³ Cayce told Lincecum that he was involved in business with Roger Clinton and two of his associates, Dickey Morton and George Locke.⁴⁵⁴ Cayce said that Clinton, Morton, and Locke had the ability to obtain presidential pardons.⁴⁵⁵ Cayce told Lincecum that he could obtain a pardon if Lincecum could pay Clinton, Morton, and Locke \$300,000.⁴⁵⁶ Lincecum told Cayce that he was interested in this proposal, but that it would take him some time to come up with the necessary funds.⁴⁵⁷ Cayce told Lincecum that if he was interested, he should come up with \$25,000 to \$35,000 immediately to indicate that his interest was serious.⁴⁵⁸

Lincecum went to his mother, Alberta Lincecum, and borrowed \$35,000 from her.⁴⁵⁹ Alberta Lincecum confirmed that she provided \$35,000 for Garland's initial payment and also said that she overheard telephone conversations between Garland and other unnamed individuals regarding his effort to buy a pardon. In her interview with Committee staff, Alberta Lincecum stated that she listened, on an extension, to a telephone conversation between Garland and other

⁴⁵⁰ Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001).

⁴⁵¹ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 2 (May 18, 2001) (within Appendix I).

⁴⁵² Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁵³ *Id.*

⁴⁵⁴ *Id.* Cayce had extensive business contacts with Morton and Locke prior to approaching them about the Lincecum pardon. Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 2-3 (May 18, 2001) (within Appendix I). According to George Locke, Cayce was attempting to enlist Roger Clinton's support for an entity called the Legacy Foundation. Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001). The Legacy Foundation claimed to be a charitable organization selling tax-exempt charitable bonds. *Id.* Cayce and others involved in the Legacy Foundation wanted to use the Clinton name to help sell the charitable bonds. *Id.* After the Securities and Exchange Commission launched an investigation, the Legacy Foundation halted its plans to issue the bonds. Cayce was trying to enlist Clinton, Morton, and Locke's support for the Legacy Foundation during the same time as Lincecum was trying to obtain his pardon. However, Morton, and Locke have claimed that all of the money exchanged between Cayce, Lincecum, and CLM related to the Legacy Foundation, not any attempt to sell pardons. Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I). As discussed in the conclusion below, this claim is not credible.

⁴⁵⁵ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁵⁶ *Id.*

⁴⁵⁷ *Id.*

⁴⁵⁸ *Id.*

⁴⁵⁹ *Id.*; Interview with Alberta Lincecum, in Roanoke, TX (Apr. 19, 2001).

individuals where those unknown individuals told Garland that he needed to come up with \$100,000 for a pardon.⁴⁶⁰ Alberta Lincecum cashed a certificate of deposit and wrote a personal check to Garland for \$35,000.⁴⁶¹ Garland then signed the check over to Richard Cayce.⁴⁶² Cayce told Lincecum that he would cash the check and deliver the cash personally to Roger Clinton.⁴⁶³ According to Lincecum, Cayce also offered to loan him \$70,000 to help pay for the pardon and to provide these funds directly to Morton.⁴⁶⁴ Bank records indicate that the MM Foundation, an organization controlled by Cayce, wired \$70,000 to CLM, L.L.C.,⁴⁶⁵ a company created by Clinton, Locke, and Morton.⁴⁶⁶

2. The First Dallas Meeting

After Garland Lincecum informed Cayce that he was interested in paying \$300,000 for a pardon, Cayce informed Dickey Morton that Lincecum was interested.⁴⁶⁷ Cayce told Morton that Lincecum would want to meet with him personally to discuss the arrangements for the pardon.⁴⁶⁸ Morton sent the following remarkable fax to Cayce (hand written notations on the fax are indicated in parentheses):

RE: Political Meeting Agreement

Richard: The following is an understanding of the way this meeting will occur on Tuesday August 12, 1998, along with the compensation required to get you this meeting.

Please review and sign and fax back to my fax number by this early afternoon if your group wants to consummate [sic] this meeting.

1. Call an airline representative for reservations for Roger Clinton, Mrs. Roger Clinton, and Molly Clinton⁴⁶⁹ from Los Angeles to Dallas, Friday the 7th of August 1998, for a late direct flight first class. You pre-pay by your credit card today August 7th 1998.

2. The 1/3 of cookies (\$) that we discussed or 33,000 cookies (\$) will be delivered by your representative or you, cookies need to be ready to eat. A time

⁴⁶⁰ *Id.*

⁴⁶¹ *Id.*

⁴⁶² Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁶³ *Id.*

⁴⁶⁴ *Id.*

⁴⁶⁵ First National Bank of Crossett Document Production (Exhibit 74).

⁴⁶⁶ Records indicate that Dickey Morton was the registered agent for the company. Arkansas Secretary of State Document Production (Articles of Organization) (Exhibit 75). Clinton's and Locke's involvement in the company was confirmed by George Locke. Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001).

⁴⁶⁷ Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I).

⁴⁶⁸ Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I).

⁴⁶⁹ Given that Molly Clinton is Roger Clinton's wife, it is not clear who Morton was referring to as "Mrs. Roger Clinton."

and place will be setup early Monday morning for exchange for the meeting to set up for Tuesday, place needs to a private meeting place, as we do not need any auto graph [sic] seekers there. Roger will send his representative to meet you.

3. The meeting will be set for Tuesday, as to time and place, when you deliver cookies to Roger's representative on Monday morning the 11th of August.

4. The rest of cookies (\$ money) can be delivered Tuesday right before meeting.

By signing you accept conditions of meeting.

I am not the representative of Roger Clinton in this transaction, you will meet him in Dallas, Texas.

Best regards, Dickey Morton

(\$ cookies = money)⁴⁷⁰

In his proffer to the Committee, Morton claimed that this letter was written at the behest of Cayce:

Casey [sic] asked that a confirmation letter be sent to him spelling out the agreement. Casey [sic] stated that the letter must be written in code since the Legacy Foundation was at present, working covertly with the federal government. Casey [sic] told Morton not to mention money in the letter.⁴⁷¹

Cayce made the requested arrangements and met with Clinton, Locke, Morton, and Lincecum in a Dallas hotel in approximately August 1998.⁴⁷²

On the morning of the meeting, Cayce first met alone with Clinton, Locke, and Morton in a hotel room.⁴⁷³ Garland Lincecum was not present at the meeting, but after the meeting, Cayce informed Lincecum that Cayce provided to Roger Clinton the \$35,000 in cash that Lincecum had raised from his mother.⁴⁷⁴ Dickey Morton and George Locke admitted, through their lawyer, to accepting \$7,000 and \$5,000 respectively at this meeting.⁴⁷⁵ They also confirmed that Roger Clinton accepted \$18,000 in cash as his share of the payment.⁴⁷⁶ Bank records provide

⁴⁷⁰ Dickey Morton Document Production 001144 (Letter from Dickey Morton, to Richard Cayce (Aug. 7, 1998)) (Exhibit 76).

⁴⁷¹ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 4 (May 18, 2001) (within Appendix I). In this proffer, Morton also maintained that the 100,000 "cookies" in the letter referred to the "appearance fee" charged by Roger Clinton for meeting with Cayce and Lincecum, not any payment for a pardon.

⁴⁷² Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001); Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I).

⁴⁷³ *Id.*; Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁷⁴ *Id.*

⁴⁷⁵ Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

⁴⁷⁶ *Id.*

corroboration, indicating that Roger Clinton made a series of large cash deposits into his bank accounts around the same time frame.⁴⁷⁷

Cayce informed Lincecum that he discussed the pardon arrangements with Clinton, Locke, and Morton, and that they assured him that, through Clinton's contacts, they would be able to obtain the pardon.⁴⁷⁸ After the private meeting, Cayce, Locke, and Morton came down to the hotel lobby, where they met with Garland Lincecum.⁴⁷⁹ Roger Clinton did not participate in this meeting. During this meeting, Garland Lincecum asked whether he would definitely receive a pardon in exchange for his money.⁴⁸⁰ Morton explained that he would receive a pardon, not merely that he and Roger would make their "best efforts" to obtain a pardon.⁴⁸¹ Garland said he would not have agreed to pay the money merely for a promise of "best efforts."⁴⁸² Morton stated that Roger Clinton could obtain pardons in batches of six at a time.⁴⁸³ Concerned about this arrangement, Lincecum asked if this was legal, and Morton assured him that it was.⁴⁸⁴ Morton claimed that most pardon petitions were rejected because the applicants failed to fill out the paperwork properly.⁴⁸⁵ He explained that he, Locke, and Roger Clinton used a Washington, D.C., law firm to prepare the necessary paperwork on the pardon and that Roger would then personally deliver the paperwork to his brother, the President.⁴⁸⁶ George Locke told Lincecum that they had obtained pardons in this way previously but declined to name any of the individuals who had obtained pardons in this manner. Locke said that after Lincecum received his pardon, he would likewise accord the same confidentiality to Lincecum if ever asked about it.⁴⁸⁷ Morton confirmed during this meeting that he had already received \$100,000 of the necessary \$300,000 towards Lincecum's pardon.⁴⁸⁸

Roger Clinton did not participate in this hotel lobby meeting.⁴⁸⁹ However, after the meeting, Cayce asked Lincecum if he had noticed an individual who had been watching the meeting from a second-story balcony overlooking the lobby.⁴⁹⁰ Lincecum stated that he had, and Cayce told him that the individual was Roger Clinton.⁴⁹¹ Lincecum asked Cayce "well, why didn't the little bastard come down?"⁴⁹² At this point, Cayce told Lincecum that he had met with

⁴⁷⁷ Between August 19, and August 25, 1998, Clinton made three separate deposits totaling \$12,500. Bank of America Document Production (Exhibit 77).

⁴⁷⁸ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁷⁹ Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I); Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁴⁸⁰ *Id.*

⁴⁸¹ *Id.*

⁴⁸² *Id.*

⁴⁸³ *Id.*

⁴⁸⁴ *Id.*

⁴⁸⁵ *Id.*

⁴⁸⁶ *Id.*

⁴⁸⁷ *Id.*

⁴⁸⁸ *Id.* The \$100,000 that had been paid at this point consisted of the \$70,000 wired by the M.M. Foundation plus the \$30,000 to \$35,000 delivered in cash.

⁴⁸⁹ *Id.*

⁴⁹⁰ *Id.*

⁴⁹¹ *Id.*

⁴⁹² *Id.*

Clinton, Locke, and Morton earlier that morning and that Roger Clinton told him he would help obtain the pardon.⁴⁹³

Lincecum believed the claims of Morton and Locke for a number of reasons. First, he had heard from Cayce that they had the ability to obtain diplomatic passports.⁴⁹⁴ This suggested to Lincecum that they had influence in the U.S. government. Second, Cayce confirmed for Lincecum that Roger Clinton was indeed working with Morton and Locke on these matters.⁴⁹⁵ Third, Lincecum trusted Morton and Locke. Morton was a standout football player with the University of Arkansas and had a reputation as a devoted family man.⁴⁹⁶ Locke was a former Arkansas state senator who had been close to Bill Clinton when he was Governor.⁴⁹⁷

In his proffer to the Committee, Cayce offers a slightly different version of events with regard to the two initial payments. Cayce claims that he, not Alberta Lincecum, was the source of the initial cash payment.⁴⁹⁸ He also claims that he provided \$30,000, rather than \$35,000, in cash to Clinton, Locke, and Morton at the Dallas meeting.⁴⁹⁹ According to Cayce, the cash from the Dallas meeting plus the \$70,000 wire from the MM Foundation were intended to pay for his attempt to purchase diplomatic passports and were unrelated to Lincecum's attempt to obtain a pardon. While the differences between the accounts of Cayce and Lincecum are noteworthy, they are not highly significant. First, Cayce's account cannot be given great weight, since Cayce has invoked his Fifth Amendment rights and provided his information in the form of a proffer. Second, while there are some differences between Cayce and Lincecum, for the most part, Cayce supports Lincecum's account. Cayce confirms that Morton and Locke offered to sell a pardon to Lincecum. Cayce also confirms that Roger Clinton was directly involved in the plot to sell a pardon to Lincecum. Cayce merely disagrees on the amount of money that was paid by Lincecum for the pardon. This difference does not undermine the core of Lincecum's allegations.

3. Lincecum's Attempts to Raise the Remaining Money

Between August and November 1998, Garland Lincecum had a number of contacts with Morton regarding the payment of the remaining \$200,000 towards his pardon. Lincecum stated

⁴⁹³ *Id.*

⁴⁹⁴ *Id.*

⁴⁹⁵ *Id.*

⁴⁹⁶ *Id.*

⁴⁹⁷ *Id.*

⁴⁹⁸ Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I).

⁴⁹⁹ *Id.* The two numbers may be reconcilable. If the Lincecums gave Cayce \$35,000, he may have used \$5,000 for airline tickets, hotel accommodations, and other expenses for Roger Clinton and his companions on the trip to Dallas. According to Guy and Alberta Lincecum, their copy of the \$35,000 check that they gave to Richard Cayce was lost. Interview with Alberta Lincecum, in Roanoke, TX (Apr. 20, 2001), Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001). The Committee was unsuccessful in its attempts to obtain records of the \$35,000 directly from the bank. However, the fact that a \$30,000 cash payment occurred was corroborated by George Locke and Dickey Morton, through their attorney, who explained that all three received cash from Cayce, with Roger Clinton receiving \$18,000, Morton receiving \$7,000, and Locke receiving \$5,000. Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

that Morton and Locke maintained a “soft pressure” on him that was very effective in motivating Lincecum to find the money.⁵⁰⁰ According to Lincecum, Morton had a “take it or leave it” attitude and often offered to return the money that Lincecum had already paid.⁵⁰¹ In Lincecum’s mind, Morton’s position only confirmed that the cash-for-pardon scheme was legitimate and that Morton was not swindling him.⁵⁰² However, Lincecum still had some concerns about paying all \$300,000 up front before he received the pardon. At one point, he asked Morton if he could make arrangements to pay a portion of the fee after he received the pardon.⁵⁰³ Lincecum even offered to place part of the funds in escrow until he received the pardon.⁵⁰⁴ Morton responded to these suggestions by telling Lincecum that the pardon business was “strictly cash and carry.”⁵⁰⁵

During the fall of 1998, when he was still trying to come up with the remaining \$200,000, Lincecum was concerned that Morton, Locke, and Clinton would sell off the remaining pardon slots available to Roger Clinton.⁵⁰⁶ Garland Lincecum could not travel to Arkansas himself because the court sentenced him but had not yet ordered him to report to prison. Accordingly, the court had ordered Lincecum not to leave Texas.⁵⁰⁷ So, he sent his brother, Guy Lincecum, to meet with Morton in Little Rock, Arkansas and hand-deliver a letter from Garland to demonstrate his serious intention to find the necessary funds for the pardon.⁵⁰⁸ Guy traveled to Little Rock and met with Morton at a Holiday Inn.⁵⁰⁹ Guy delivered the letter to Morton, Morton read it, and Morton then told Guy that he was puzzled as to why Guy had traveled all the way to Little Rock when he could have just mailed the letter.⁵¹⁰ Guy told Morton that he traveled to Little Rock because Garland wanted him to know that he was serious about wanting the pardon.⁵¹¹

After his meeting with Morton and Locke, Garland Lincecum was convinced that he wanted to obtain the pardon, but he was faced with the obstacle of raising the outstanding \$200,000. To raise these funds, he initially turned to Jim McClain, a Dallas real estate developer he had done business with in the past.⁵¹² Lincecum knew that McClain had a conviction in his past and might also be interested in obtaining a pardon himself.⁵¹³ Lincecum approached McClain and explained the offer he had received from Morton and Locke.⁵¹⁴ McClain informed Lincecum that he was interested in obtaining a pardon and offered to pay \$300,000 for his own pardon, as well as loan Lincecum \$200,000 for Lincecum’s pardon.⁵¹⁵ McClain explained that

⁵⁰⁰ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁵⁰¹ *Id.*

⁵⁰² *Id.*

⁵⁰³ *Id.*

⁵⁰⁴ *Id.*

⁵⁰⁵ *Id.*

⁵⁰⁶ *Id.*

⁵⁰⁷ *Id.*; Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁰⁸ *Id.*; Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁵⁰⁹ *Id.*; Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001). Guy Lincecum provided hotel records to corroborate the account of his trip. Guy Lincecum Document Production (Exhibit 78).

⁵¹⁰ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵¹¹ *Id.*

⁵¹² Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁵¹³ *Id.*

⁵¹⁴ *Id.*

⁵¹⁵ *Id.*

he would be able to make the payment as soon as a major real estate deal he was working on closed.⁵¹⁶ Lincecum called Morton to check and see if they had a “slot” for a pardon available for McClain. Lincecum remembers that when he asked Morton this question, Morton told Lincecum to wait while he purported to check with Roger Clinton on another telephone line.⁵¹⁷ Lincecum heard Morton’s side of the conversation as Morton purportedly confirmed with Roger Clinton that there was indeed a “slot” available for McClain.⁵¹⁸

As Lincecum was receiving pressure from Morton to complete his payment for the pardon, he wrote a check for \$500,000 to Morton, telling him to hold the check until he was able to get the necessary funds from McClain.⁵¹⁹ Lincecum hoped that the check would help reserve his and McClain’s “slots” and keep Morton, Locke, and Clinton from selling them to someone else.⁵²⁰ However, after waiting for several weeks, it became clear that McClain was having difficulty with his real estate deal and would not be able to provide any funds, either for his own pardon or as a loan for Lincecum’s pardon.⁵²¹ Accordingly, this \$500,000 check was never cashed.

When Committee staff interviewed McClain, he confirmed many key aspects of Lincecum’s account. McClain confirmed that he had a number of discussions with Lincecum about buying a pardon through Morton, Locke, and Clinton.⁵²² McClain stated that Lincecum initially told him it would cost \$500,000 to obtain a pardon.⁵²³ Then, after checking with Morton and Locke, Lincecum returned to McClain and told him that a pardon for past offenses would cost \$500,000 and a pardon for crimes currently under investigation was \$1 million.⁵²⁴ McClain spoke to his lawyer about Lincecum’s offer.⁵²⁵ The lawyer told McClain that he should not discuss these matters any further unless he wanted to be indicted again.⁵²⁶ At that point, McClain stopped discussing the matter with Lincecum.⁵²⁷ McClain denies that he ever took any steps toward raising the money for the pardon and also denies that he had any discussions with Morton, Locke, or Clinton regarding pardons.⁵²⁸ One document produced by one of Dickey Morton’s companies, however, undermines McClain’s claim. A November 9, 1998, letter from Morton to McClain states:

We had an extremely good week, with President Bill coming down to visit with us this week. After the Senator and I and Roger got together we all agreed to go forward. My only question is are you wanting to do business or not, since we

⁵¹⁶ *Id.*

⁵¹⁷ *Id.*

⁵¹⁸ *Id.*

⁵¹⁹ *Id.*

⁵²⁰ *Id.*

⁵²¹ *Id.*

⁵²² Telephone Interview with Jim McClain (Apr. 25, 2001).

⁵²³ *Id.*

⁵²⁴ *Id.*

⁵²⁵ *Id.*

⁵²⁶ *Id.*

⁵²⁷ *Id.*

⁵²⁸ *Id.*

have not heard from you and I left several messages on your voice mail and with your associate at Charter Financial. If so give me a call, if not, good luck.⁵²⁹

While it is not certain that Morton is referring to an offer to obtain a pardon, the time frame is consistent with the period in which Lincecum was discussing the pardon with McClain.

4. Lincecum's Payment of \$200,000

After failing to raise funds for the pardon from any other source, Lincecum approached his family and asked his mother and brother to provide the necessary money.⁵³⁰ In November 1998, Alberta Lincecum, Garland's mother, cashed a number of certificates of deposit and on November 23, 1998, had a cashier's check for \$100,000 issued to CLM.⁵³¹ Morton had told Lincecum that he should make the check payable to CLM, which was the company formed by Clinton, Locke, and Morton.⁵³² Alberta Lincecum provided the check to Garland Lincecum, who then mailed the check to Morton, who on November 25, 1998, deposited the check into the CLM account at the First National Bank of Crossett in Arkansas.⁵³³ The \$100,000 used by Alberta Lincecum to pay for her son's pardon came from her life savings.⁵³⁴ Her late husband had invested their savings in CDs, which she used for her living expenses as they came due.⁵³⁵ Alberta is 85 years old and has significant health problems, which cause her to need more than the approximately \$900 per month provided by her monthly social security benefits.⁵³⁶ As a result of losing this money in the pardon scheme, Alberta is finding it difficult to make ends meet and is unable to travel or make any other large expenditures.⁵³⁷

Approximately one month later, Guy Lincecum provided the remaining \$100,000 for Garland's pardon. Guy had a large amount of funds in an account at Edward Jones Investment, which constituted his retirement savings.⁵³⁸ Before Guy cashed out the account, he had an investment representative send a letter to Dickey Morton informing Morton that Guy had \$100,000 available in his account.⁵³⁹ After he was able to clear the funds from the account, on December 22, 1998, he had a check issued by Edward Jones Investments to him.⁵⁴⁰ On

⁵²⁹ Dickey Morton Document Production 000044 (Letter from Dickey Morton, to Jim McClain (Nov. 8, 1998)) (Exhibit 79).

⁵³⁰ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001); Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001); Interview with Alberta Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵³¹ First National Bank of Crossett Document Production (Exhibit 80).

⁵³² Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001), Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001), Interview with Alberta Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵³³ *Id.*; Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001); Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵³⁴ Interview with Alberta Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵³⁵ *Id.*

⁵³⁶ *Id.*

⁵³⁷ *Id.*

⁵³⁸ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵³⁹ Edward Jones Investments Document Production (Fax from Bill Hayes, Investment Representative, to Dickey Morton (Dec. 16, 1998)) (Exhibit 81).

⁵⁴⁰ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

December 29, 1998, Guy traveled to Little Rock and hand-delivered the check to Morton.⁵⁴¹ Guy signed the check over to Morton and handed it to him.⁵⁴² When Morton accepted the check, he told Guy that they were “paid in full” for Garland’s pardon.⁵⁴³ Shortly thereafter, on December 31, 1998, the check was deposited into CLM’s account at the First National Bank of Crossett.⁵⁴⁴ To withdraw the \$100,000, Guy had to pay a significant amount in taxes.⁵⁴⁵ He also is unable to open a small business that he was planning on running after he retired from his job.⁵⁴⁶ He now lives with his mother, helping care for her.⁵⁴⁷

5. The Division of Lincecum’s Money Among Clinton, Locke, and Morton

Between August and December 1998, the CLM bank account at the First National Bank of Crossett received \$270,000 related to the Lincecum pardon.⁵⁴⁸ In fact, apart from the \$100 opening deposit on August 17, 1998, the Lincecum-related deposits were the only deposits to the account until June 1999 when the balance had dwindled to under \$1,000.⁵⁴⁹ Bank records indicate that the \$270,000 was divided between Morton, Locke, and Clinton. Morton, the only individual who had power to withdraw money from the CLM account, signed checks totaling \$67,000 from the CLM account for his company, Southern Belle Construction.⁵⁵⁰ Morton issued two checks to George Locke totaling \$65,000.⁵⁵¹ Morton also signed three checks to Roger Clinton totaling \$25,500.⁵⁵² The following table summarizes how the money provided by Lincecum and Cayce was divided among Clinton, Locke, and Morton:

Funds Provided to CLM for the Pardon

<i>Date</i>	<i>Amount</i>	<i>Source of Funds</i>	<i>Use of Funds</i>
8/98	\$35,000	Alberta Lincecum	Expenses and \$30,000 in cash to CLM. ⁵⁵³
8/19/98	\$70,000	Richard Cayce	Wire from the M.M. Foundation to CLM.
11/25/98	\$100,000	Alberta Lincecum	Deposited into the CLM bank account.
12/31/98	\$100,000	Guy Lincecum	Deposited into the CLM bank account.

Significant Activity in the CLM Account

<i>Date</i>	<i>Transaction</i>	<i>Amount</i>	<i>To/From</i>
8/19/98	deposit - wire	\$70,000	MM Foundation (Dallas, TX)
8/21/98	debit	-\$4,000	Southern Belle Construction

⁵⁴¹ *Id.*; Guy Lincecum Document Production (Southwest Airlines, Ticket Stub, Dec. 29, 1998) (Holiday Inn, Bill, Dec. 28, 1998) (Exhibits 82, 78).

⁵⁴² Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁴³ *Id.*

⁵⁴⁴ First National Bank of Crossett Document Production (Exhibit 83).

⁵⁴⁵ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁴⁶ *Id.*

⁵⁴⁷ *Id.*; Interview with Alberta Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁴⁸ First National Bank of Crossett Document Production (Exhibit 84).

⁵⁴⁹ *Id.*

⁵⁵⁰ *Id.*

⁵⁵¹ First National Bank of Crossett Document Production (Exhibit 85).

⁵⁵² First National Bank of Crossett Document Production (Exhibit 86).

⁵⁵³ *See* n.499.

8/25/98	debit	-\$52,000	George Locke
8/26/98	debit	-\$4,000	Southern Belle Construction
11/25/98	deposit	\$100,000	Alberta Lincecum
11/25/98	check #1014	-\$20,000	Southern Belle Construction
12/01/98	check #1015	-\$13,000	George Locke
12/10/98	check #1016	-\$10,000	Roger Clinton
12/10/98	check #1017	-\$5,500	Roger Clinton
12/10/98	check #1019	-\$5,000	Southern Belle Construction
12/14/98	check #1020	-\$5,100	Southern Belle Construction
12/21/98	check #1023	-\$8,100	Southern Belle Construction
12/22/98	check #1026	-\$8,000	Southern Belle Construction
12/28/98	check #1029	-\$5,000	Southern Belle Construction
12/31/98	deposit	\$100,000	Guy Lincecum
1/7/99	check #1030	-\$10,000	Roger Clinton
4/1/99	check #1062	-\$8,300	Southern Belle Construction
Total to Roger Clinton:		\$25,500 ⁵⁵⁴	
Total to George Locke:		\$65,000	
Total to Southern Belle:		\$67,000	

The remainder of the funds in the CLM account was apparently used for other small company transactions.

6. Lincecum's Attempts to Receive the Pardon

As of December 1998, Lincecum had paid in full for his pardon and expected that he would receive the pardon soon thereafter, before he was sent to prison.⁵⁵⁵ He had a number of telephone contacts with Morton and Locke between December 1998 and April 1999, when he reported to prison, attempting to determine the status of his pardon request.⁵⁵⁶ A number of times after paying for the pardon, Garland asked Morton if he could meet with Roger Clinton to discuss how his request was progressing.⁵⁵⁷ Each time Garland asked, Morton told him that Roger was traveling or otherwise unavailable.⁵⁵⁸ As a result, neither Garland nor Guy Lincecum ever met with or discussed the pardon matter with Roger Clinton.⁵⁵⁹ Garland also could not get a definitive answer from Morton on where his pardon stood until shortly before he reported to prison in April 1999. At that time, Morton told Garland that he would have to serve some amount of prison time before they were able to get the pardon.⁵⁶⁰ After Garland was sent to prison, his brother Guy took over as the principal contact with Morton and Locke and continued to press them on Garland's pardon.

⁵⁵⁴ When the \$18,000 provided to Roger Clinton in cash is added to the two checks, Roger Clinton's share of the Lincecum funds amounts to just over \$43,500. *See* n.499.

⁵⁵⁵ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁵⁵⁶ *Id.*

⁵⁵⁷ *Id.*

⁵⁵⁸ *Id.*

⁵⁵⁹ *Id.*

⁵⁶⁰ *Id.*

After Garland was sent to prison, Guy Lincecum frequently contacted Morton and Locke to inquire as to the status of Garland's pardon.⁵⁶¹ After Garland had served several months in prison, the Lincecums became very anxious that they receive the pardon as agreed. Most of these contacts between Guy Lincecum and Dickey Morton took place over the telephone, and Morton provided a number of different excuses for the delay in receiving the pardon. Initially, Morton told Guy that Garland would have to serve at least three months in prison.⁵⁶² After that time had passed, in the fall of 1999, Morton then informed Guy that the controversy over the President's grants of clemency to the FALN terrorists would delay any grant of clemency to Garland.⁵⁶³

During the same period of time in 1999 and 2000 after Garland had been sent to prison, Garland and Guy Lincecum attempted to introduce friends and business associates to Morton, Locke, and Clinton, believing that they offered valuable business opportunities. The Lincecums believed that Morton, Locke, and Clinton, through their political contacts, would be good partners for a variety of business deals. Morton had informed the Lincecums that they had contacts in China who could provide them with cheap cement and drywall, which could be sold at a large profit in the United States, as the U.S. was experiencing a shortage of those products.⁵⁶⁴ Morton told the Lincecums that they were also able to bring the cement and drywall into the U.S. without customs problems because of Roger Clinton's connections.⁵⁶⁵ As a result, Lincecum introduced a number of business associates to Morton and Locke, including Robert Wilson, Jim McCaskill, Rod Osborne, David Crockett, and Harvey Greenwald.⁵⁶⁶

By the summer of 1999, Guy had grown frustrated with the failure to receive the pardon. As he arranged a meeting in Dallas to discuss a deal to import cement, he planned on asking Morton about the status of the pardon.⁵⁶⁷ In June 1999, Guy Lincecum, Richard Cayce, and Harvey Greenwald met with Dickey Morton and George Locke in a Dallas hotel to discuss a possible deal to import cement into the U.S. through Morton and Locke.⁵⁶⁸ After the meeting, Guy Lincecum approached George Locke and asked him about the status of Garland's pardon. Locke told Guy that he had reviewed Garland's trial transcript and was convinced that Garland had been wrongfully convicted.⁵⁶⁹ Locke then told Guy that the pardon was "a done deal."⁵⁷⁰ Guy understood Locke's comments to mean that they had paid for the pardon in full and that Garland would be receiving it shortly.⁵⁷¹

⁵⁶¹ *Id.*

⁵⁶² Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁶³ *Id.*

⁵⁶⁴ *Id.*

⁵⁶⁵ *Id.*

⁵⁶⁶ Interview with Garland Lincecum, in Roanoke, TX (Apr. 19, 2001). It should be noted that a number of these individuals who had business dealings with Morton and Locke had extremely negative experiences with them. McCaskill, Osborne, and Crockett all claim that they were cheated out of substantial sums of money by Morton and Locke in their business dealings.

⁵⁶⁷ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁶⁸ *Id.*

⁵⁶⁹ *Id.*

⁵⁷⁰ *Id.*

⁵⁷¹ *Id.*

However, Garland did not receive his pardon in the summer of 1999. Nonetheless, he continued to show some optimism that he would receive it. In October 1999, Garland sent a letter to Dickey Morton largely concerning business ventures he planned on pursuing with Morton. In this letter, Garland stated, “I am sure that within 60 days of my release there will be four parties prepared to proceed on a similar item for themselves.”⁵⁷² This letter indicates that Garland expected to be released from prison in a much shorter time frame than his 87-month prison sentence suggested.

In addition to the efforts of Guy Lincecum, one of Garland’s friends and business associates, R.V. Wilson, also attempted to obtain assurances from Clinton, Locke, and Morton that the pardon would be issued. In June 1999, Wilson said he traveled twice from his home in Mississippi to Arkansas to meet with Morton and Locke, ostensibly about importing cement and drywall from China.⁵⁷³ Wilson knew that Lincecum had paid \$235,000 for a pardon and was being stalled, so Wilson brought up the issue during a meal at the Southern Kitchen, a restaurant in Little Rock.⁵⁷⁴ Wilson said that when he raised the issue of Lincecum’s pardon, Locke and Morton both looked “scared to death.”⁵⁷⁵ Wilson said Locke raised his hand and waved it in his face as if wiping something away and Dickey Morton began touching him.⁵⁷⁶ Wilson said he then realized that Morton was patting him down to see if he was wearing a wire because they thought the FBI had sent him.⁵⁷⁷ They said they would not discuss it.⁵⁷⁸

After the meal, Morton gave Wilson a ride to his hotel and while in the car, without Locke present, Morton said that “the Senator” didn’t want those matters discussed in front of him in public.⁵⁷⁹ Wilson said, “I thought this was all legal,” to which Morton replied that it was “100 percent legal” but that it was “politically sensitive.”⁵⁸⁰ Morton said that while he was part of the company, CLM, Roger Clinton and George Locke handled all the pardon matters.⁵⁸¹ Then Morton refused to talk any more about it.⁵⁸² Wilson said he tried to obtain a meeting with Roger Clinton during his visits to Arkansas but was always told that Roger was on the golf course or sleeping.⁵⁸³

However, through the fall of 1999, despite the efforts of Guy Lincecum and R.V. Wilson, there was still no forward progress in receiving the pardon. Accordingly, when Guy Lincecum next met with Morton and Locke in person, he raised the issue again. Following another meeting about selling imported construction products, Guy Lincecum cornered Dickey Morton in the

⁵⁷² This letter was apparently drafted by Garland Lincecum in prison and then handed to his brother Guy Lincecum, who mailed it to Morton. Dickey Morton Document Production 000321 (Letter from Guy Lincecum, to Dickey Morton (Oct. 26, 1999)) (Exhibit 87).

⁵⁷³ Telephone Interview with R.V. Wilson (Apr. 25, 2001).

⁵⁷⁴ *Id.*

⁵⁷⁵ *Id.*

⁵⁷⁶ *Id.*

⁵⁷⁷ *Id.*

⁵⁷⁸ *Id.*

⁵⁷⁹ *Id.*

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.*

⁵⁸² *Id.*

⁵⁸³ *Id.*

restroom of an Applebee's restaurant in Ardmore, Oklahoma, and confronted him once again about his brother's pardon.⁵⁸⁴ Guy asked, "Is this legal?"⁵⁸⁵ Morton said that it was and that the reason people fail to obtain pardons is that their lawyers do not know how to fill out the forms properly.⁵⁸⁶ Morton assured Guy that CLM had two of the best lawyers in the country working on Garland's case, that they would complete the forms, and that Roger would deliver them to the President personally.⁵⁸⁷

At the meeting in Ardmore, Oklahoma, Guy had introduced Morton and Locke to Jim McCaskill, who wanted to sell cement for CLM on commission.⁵⁸⁸ Morton had provided phone numbers for McCaskill to call when he had buyers ready to place orders, but during the winter of 1999-2000, McCaskill was having trouble contacting Morton, which was preventing him from completing any sales.⁵⁸⁹ So, a second meeting was arranged in Oklahoma in late spring 2000 to address the problems McCaskill was having in contacting Morton and Locke.⁵⁹⁰ McCaskill, Guy Lincecum, Morton, and Locke met early in the morning at a fast food restaurant in Broken Arrow, Oklahoma. In the parking lot as they were leaving, Guy turned to Morton and asked again when Garland would be pardoned and released from prison.⁵⁹¹ Morton turned to Locke and asked, "When is Garland scheduled to be released?"⁵⁹² Locke pulled out a small book; he opened it, flipped through it, and said, "He is scheduled to be released in July, the third quarter."⁵⁹³ Jim McCaskill who corroborated Guy Lincecum's account to Committee staff witnessed this exchange.⁵⁹⁴ Guy took Locke's statement to be a definitive assurance as to when the pardon would be received. However, shortly after this meeting, Guy said that Locke and Morton stopped returning his phone calls.⁵⁹⁵

Despite the failure of Guy Lincecum and R.V. Wilson to obtain assurances from Morton and Locke that Garland Lincecum would be receiving a pardon, the Lincecums continued to be optimistic that Garland would receive a pardon from President Clinton. Garland Lincecum informed Committee staff that he fully expected his name would be included on the list of pardons issued on President Clinton's last day in office and that he had "done everything except pack my bags."⁵⁹⁶ Obviously, when he learned that he had not received a pardon, he was deeply disappointed and felt that Morton, Locke, and Clinton had cheated him.⁵⁹⁷

⁵⁸⁴ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁸⁵ *Id.*

⁵⁸⁶ *Id.*

⁵⁸⁷ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁸⁸ *Id.*

⁵⁸⁹ *Id.*

⁵⁹⁰ *Id.*

⁵⁹¹ *Id.*

⁵⁹² *Id.*

⁵⁹³ *Id.*

⁵⁹⁴ Telephone Interview with Jim McCaskill (May 2, 2001).

⁵⁹⁵ Interview with Guy Lincecum, in Roanoke, TX (Apr. 20, 2001).

⁵⁹⁶ Interview with Garland Lincecum, in Bastrop, TX (Apr. 19, 2001).

⁵⁹⁷ *Id.*

B. Roger Clinton's Reaction to the Allegations

Despite repeated attempts to obtain Roger Clinton's version of events, he failed to cooperate with the Committee's investigation. He refused to be interviewed by Committee staff. His lawyer indicated that if called to testify before the Committee, Clinton would likely assert his Fifth Amendment privilege against self-incrimination. Finally, through his lawyer, Clinton also refused to answer questions posed to him in writing.⁵⁹⁸

Despite his refusal to cooperate with the Committee, Roger Clinton did speak to the press. Shortly after the Lincecum allegations became public, *The New York Times* reported that "Roger Clinton said through a spokeswoman today that though he knew Mr. Locke and Mr. Morton, he never heard of C.L.M. and had never authorized either man to use his name in any way."⁵⁹⁹ Bank records indicating that he deposited two large checks from CLM, however, directly contradict this denial. Later, in an appearance on *Larry King Live*, Clinton was asked about the Lincecum allegations and stated that "I can tell you that there is no truth to money for pardons. There is zero truth to that, zero truth."⁶⁰⁰ He declined to offer any details refuting the Lincecum allegations but generally suggested that Morton and Locke may have swindled Lincecum without his knowledge:

King: So this guy is lying to Mr. Serrano of the L.A. Times when he tells him he gave money and he was promised a pardon.

Clinton: No, sir, I'm not saying he is lying. I'm not saying he's lying.

King: You just said there was no money changed hands and he said—

Clinton: I said there was no — let me clarify: there was no money exchanged with me.

King: You never got a penny.

Clinton: And I never heard one word about a pardon.

* * *

Clinton: Now there are some details that we can dress it up with, but the bottom line is I didn't do it. I don't care what this flipping guy says and his buddy [sic]. I don't care what they say. It doesn't matter to me. But I'm not saying they are lying about what they are saying, because they are not saying that I took it. They are not saying that I was there.

* * *

⁵⁹⁸ Letter from Bart H. Williams, Munger, Tolles & Olson, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (June 27, 2001) (within Appendix I).

⁵⁹⁹ Neil A. Lewis, *Swindle is Reported to Use the Name of Roger Clinton*, N.Y. TIMES, Mar. 10, 2001, at A9.

⁶⁰⁰ *Larry King Live* (CNN television broadcast, June 21, 2001).

King: Is it possible, Mark [Geragos, Roger Clinton's lawyer], that someone in the middle here — is this possible — hypothetical scenario — someone that knows Roger and knows these guys sets up a deal where he, this someone, gets money, tells him I got Roger, I will get it to Roger. They pay it as best they can and he says he will get it to Roger. Roger is innocent and they are kind of innocent.

Clinton: Ding, ding, ding, ding, ding.

Geragos: Which is exactly what I said. When you've got triple hearsay, and then you've got somebody saying I pointed to a mezzanine over there, start to think about what the quality of that accusation is.⁶⁰¹

However, the explanation offered by Roger Clinton to Larry King is not even remotely credible. While Clinton claimed that he never heard of CLM, he actually had a one-third ownership interest in the company, as well as other companies owned by Morton and Locke.⁶⁰² Furthermore, bank records clearly establish that Clinton received a substantial portion of the funds that were bilked from Lincecum's mother and brother. Clinton received three checks from CLM totaling \$25,500 and deposited them into his bank account.⁶⁰³ As discussed earlier, the source of these funds was the retirement savings of Guy and Alberta Lincecum.⁶⁰⁴ There are only two explanations offered for how Roger Clinton acquired a substantial share of the life savings from a federal prisoner's mother and brother: the one offered by the Lincecums and the one offered by Locke and Morton. Yet, Clinton denies both and offers no explanation of his own, denying on national television that he even received the money when it is well documented that he did.

C. Dickey Morton and George Locke's Reactions to the Allegations

Dickey Morton and George Locke have not provided the Committee with an extensive account of the Lincecum matter. Committee staff did conduct a telephone interview of George Locke shortly after the Committee began its investigation of the Lincecum allegations. However, shortly after that interview, George Locke and Dickey Morton hired a lawyer and decided not to cooperate with the Committee's investigation. Therefore, the Committee was unable to interview Morton at all, and it was unable to contact Locke after the initial interview. Rather than cooperate with the Committee, Morton and Locke invoked their Fifth Amendment

⁶⁰¹ *Id.*

⁶⁰² Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I). A document produced to the Committee by American Gypsum and Cement Products, one of Dickey Morton's companies, suggests that Roger Clinton was a "member" of that company as well. *See* Dickey Morton Document Production 000654 (Letter from Rod Osborne, American Gypsum Cement Products, to Robert Hutchison, Hutchison Consulting Company (Feb. 17, 2000)) (Exhibit 88).

⁶⁰³ First National Bank of Crossett Document Production (Exhibit 86).

⁶⁰⁴ Interview with Alberta Lincecum, in Roanoke, TX (Apr. 19, 2001).

rights against self-incrimination.⁶⁰⁵ However, Morton and Locke's attorney did provide the Committee with a proffer of what Morton and Locke would testify to if the Committee immunized them.⁶⁰⁶ Because the proffer was provided by the attorney and was not made under penalty of perjury, it is of limited value. However, between the Committee staff's interview of George Locke and the proffer from Locke and Morton, the Committee is able to understand Morton and Locke's response to the Lincecum allegations.

In short, Morton and Locke acknowledge that CLM received \$200,000 from Lincecum and another \$100,000 from Richard Cayce. However, they deny that the money had any connection to an effort to obtain a presidential pardon for Garland Lincecum.⁶⁰⁷ Rather, they claim that Cayce and Lincecum paid the \$300,000 to CLM as "appearance fees" charged to them by Roger Clinton. Morton and Locke claim that Cayce and Lincecum paid this money to CLM because they wanted Clinton's support for the plan to sell tax-exempt bonds through Cayce's Legacy Foundation.

Locke and Morton claim that Richard Cayce, who had a prior business relationship with Morton, approached Morton with "an exotic plan" to make money by selling tax-exempt bonds through a charitable organization, the Legacy Foundation.⁶⁰⁸ Locke said that Cayce wanted to use the Clinton name to sell these bonds and specifically wanted to use Morton's contacts with George Locke and Roger Clinton to see if President Clinton would support the charity.⁶⁰⁹ Morton told Cayce that he knew Locke and agreed to take the idea to Locke to see if Locke would ask Roger Clinton to present it to the President.⁶¹⁰

Locke told Committee staff that people had often approached Roger Clinton asking him to talk to the President about a variety of issues and that Roger always helped them.⁶¹¹ However, Locke said that Roger was "always left out in the cold" afterwards.⁶¹² After a number of these unpleasant experiences, Roger Clinton decided that he would not assist anyone with their business unless he received an "appearance fee" paid up front.⁶¹³ According to Locke, the fee guaranteed only a meeting with Roger Clinton to present a request and nothing more.⁶¹⁴ Locke informed Committee staff that he and Dickey Morton used Roger Clinton's name in their business ventures, with Roger's permission, and that they paid Roger for the right to use his

⁶⁰⁵ In response to a document request from the Committee, Locke stated that he had no responsive records. Letter from George Locke, to Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 9, 2001) (within Appendix I). *See also* Letter from Marietta Alphin, Hampton, Larkowski & Benca, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 3, 2001) (within Appendix I). By contrast, Morton provided extensive corporate records in response to a subpoena.

⁶⁰⁶ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

⁶⁰⁷ *Id.*

⁶⁰⁸ Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001).

⁶⁰⁹ *Id.*

⁶¹⁰ *Id.*

⁶¹¹ *Id.*

⁶¹² *Id.*

⁶¹³ *Id.*

⁶¹⁴ *Id.*

name.⁶¹⁵ When asked how Roger Clinton's name was used, Locke stated that Morton used it "when making contacts with buyers and sellers."⁶¹⁶

When Locke contacted Roger Clinton about Cayce and the Legacy Foundation, Roger agreed to meet with Cayce only if they paid him such an appearance fee.⁶¹⁷ Morton then arranged the meeting with Cayce, sending the coded letter referring to the number of "cookies" required to meet with Roger Clinton.⁶¹⁸ In his interview with Committee staff, Locke acknowledged meeting Cayce, Morton, and Roger Clinton in Dallas in August 1998.⁶¹⁹ Locke claimed that, at this meeting, Cayce discussed two main topics: the plan to have Clinton endorse the Legacy Foundation and Cayce's desire to obtain a U.S. diplomatic passport.⁶²⁰ The proffer from Morton and Locke is similar to Locke's account in the interview but provides more detail. The proffer claims that Cayce met with Morton and Locke on August 12, 1998, and provided them with \$30,000 in cash.⁶²¹ Morton and Locke then met with Roger Clinton and divided the cash between them, with Roger receiving \$18,000, Locke receiving \$5,000, and Morton receiving \$7,000.⁶²² Also according to the proffer, on August 13, Cayce met with Clinton, Morton, and Locke, and Cayce discussed his desire to have Clinton's support for the Legacy Foundation. The proffer also states that Cayce asked about the possibility of obtaining a diplomatic passport through Roger Clinton. The proffer also claims that Cayce inquired whether Clinton could obtain pardons for two individuals, and while Morton and Locke do not recall whom Cayce mentioned, they are certain that it was not Lincecum.⁶²³ Locke and Morton maintain that the additional \$70,000 wired to CLM by the MM Foundation on August 19 represented the completion of the \$100,000 appearance fee charged to Cayce by Clinton, Locke, and Morton for the August 12 meeting.

Locke and Morton claim that in September and October 1998, they had two meetings with Cayce in Las Vegas regarding the Legacy Foundation.⁶²⁴ Roger Clinton came with Morton and Locke to each of these meetings, and accordingly, Cayce was charged \$100,000 for each meeting.⁶²⁵ However, Cayce did not pay, and after the second meeting, Morton and Locke claim that they refused to provide Roger Clinton for any more meetings with Cayce until they had paid \$200,000 for the previous two meetings.⁶²⁶ Morton and Locke claim that they then met with Cayce and Garland Lincecum. They claim that Lincecum provided them with a check for \$600,000 and told them that the check would be good in two weeks.⁶²⁷ Cayce informed Morton

⁶¹⁵ *Id.*

⁶¹⁶ *Id.*

⁶¹⁷ *Id.*

⁶¹⁸ Dickey Morton Document Production 001144 (Letter from Dickey Morton, to Richard Cayce (Aug. 7, 1998)) (Exhibit 76).

⁶¹⁹ Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001)

⁶²⁰ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

⁶²¹ *Id.*

⁶²² *Id.*

⁶²³ *Id.*

⁶²⁴ *Id.*

⁶²⁵ *Id.*

⁶²⁶ *Id.*

⁶²⁷ *Id.*

and Locke that the additional \$400,000 represented an “investment” in CLM.⁶²⁸ Morton and Locke claim that Cayce and Lincecum never made good on the \$600,000 check.⁶²⁹

In their proffer, Morton and Locke state that in November 1998, CLM received a check from Lincecum for \$100,000.⁶³⁰ Then, in December, CLM received another check from Lincecum. With these two checks, Morton and Locke believed that Cayce and Lincecum had paid for the two meetings Cayce had with Roger Clinton in Las Vegas.⁶³¹ Morton and Locke acknowledge that they divided this money with Roger Clinton, providing him with more than \$25,000 of the \$200,000 they received.⁶³²

With two exceptions, Morton and Locke deny that they ever discussed pardons with Richard Cayce, Garland Lincecum, or Guy Lincecum. The first time they did discuss pardons was at the first meeting between Cayce, Morton, Locke, and Clinton when Cayce asked whether they could help him obtain pardons for two friends.⁶³³ Clinton, Morton, and Locke claim that they did nothing to assist Cayce.⁶³⁴ Morton and Locke also admit to having discussed pardons on one other occasion.⁶³⁵ Morton and Locke acknowledge that they met with Guy Lincecum and Jim McCaskill in March 2000 at a McDonald’s restaurant in Broken Arrow, Oklahoma, to discuss their business dealings.⁶³⁶ While Lincecum and McCaskill claim that they had a detailed discussion about Garland Lincecum’s efforts to buy a pardon through Clinton, Locke, and Morton, Locke and Morton tell a different story. They claim that Guy Lincecum informed them, for the first time, that Garland Lincecum hoped to obtain a pardon.⁶³⁷ Locke offered his advice:

First you must hire an attorney. That attorney must make application with the Department of Justice for a pardon. Then it would be up to the president as to whether a pardon would be given. Lincecum asked if the president normally gives pardons. Locke informed Lincecum that usually at the end of his term most presidents’ [sic] give pardons.⁶³⁸

⁶²⁸ *Id.*

⁶²⁹ *Id.*

⁶³⁰ *Id.*

⁶³¹ *Id.*

⁶³² In his interview, Locke claimed he received only “a small portion” of the payment, and claimed that he could not recall exactly how much. Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001). When asked to estimate how much he received, Locke said it was approximately \$20,000 to \$25,000. *Id.* Locke also said he was surprised to learn that CLM had received \$200,000 from any source for any reason, an assertion which contradicts the proffer provided by his lawyer. *Id.* In fact, Locke received \$65,000 from CLM, or approximately three times the amount he admitted to Committee staff. First National Bank of Crossett Document Production (Exhibit 85). According to Locke, he thought the money had come from Richard Cayce, not from Garland Lincecum’s brother and mother. Telephone Interview with George Locke, Partner, CLM, L.L.C. (Mar. 27, 2001). Locke told Committee staff that the purpose of the payments had nothing to do with any effort to obtain a pardon. *Id.*

⁶³³ Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I).

⁶³⁴ *Id.*

⁶³⁵ *Id.*

⁶³⁶ *Id.*

⁶³⁷ *Id.*

⁶³⁸ *Id.*

However, Locke and Morton deny that Guy Lincecum ever asked for Roger Clinton's help in obtaining a pardon.⁶³⁹ After this discussion, Morton and Locke say that they had no further communications with Guy Lincecum regarding the pardon.⁶⁴⁰ Other than these two brief discussions, Morton and Locke deny any communications with Garland Lincecum, Guy Lincecum, or Richard Cayce regarding presidential pardons. Obviously, there is a significant conflict between the Lincecums' account and that of Morton, Locke, and — to the extent he has offered an account — Roger Clinton.

D. Analysis

The Committee is faced with two starkly different accounts of the Lincecum matter. However, there are certain facts that are beyond dispute. First, Richard Cayce provided Morton, Locke, and Clinton with \$30,000 or \$35,000 in cash. Second, Cayce wired \$70,000 to CLM. Third, Garland Lincecum provided CLM with \$200,000. Fourth, the \$300,000 in funds provided to CLM were divided between Clinton, Locke, and Morton, with Clinton receiving \$25,500 in checks and as much as \$18,000 in cash, Locke receiving \$65,000 in checks and \$5,000 in cash, and Morton receiving \$67,000 in checks and \$7,000 in cash. Dickey Morton apparently used the remaining funds, approximately \$112,500, to pursue other business interests. It is also clear that no work was ever undertaken on the Lincecum pardon. Neither the White House nor the Justice Department ever received a pardon petition for Lincecum or ever considered Lincecum for a pardon in any way. Moreover, there is no evidence that Morton and Locke even hired a Washington law firm to prepare a pardon petition for Lincecum.

There are also a number of key facts in dispute, centering on the purpose of the funds paid to CLM, with the Lincecums claiming that the money was paid to secure a pardon for Garland Lincecum, and Morton and Locke claiming that the money was paid for “appearance fees” to meet with Roger Clinton.

There is no single piece of evidence that proves the Lincecums' account is true. However, collectively, the preponderance of the evidence supports the Lincecums' account. In contrast, little evidence supports the denials offered by George Locke and Dickey Morton, and some evidence contradicts their claims. The following is a summary of the evidence that supports the Lincecums' account.

- First, there are a number of witnesses who support the Lincecums' account. Garland and Guy Lincecum both gave clear and detailed accounts of their conversations. In addition, Alberta Lincecum, Jim McCaskill, and R.V. Wilson all claim that they observed or participated in discussions with Morton and Locke regarding the Lincecums' efforts to purchase a presidential pardon.
- Second, the denial offered by Locke and Morton is not convincing. Morton and Locke maintain that Garland Lincecum had his mother and brother raid their savings so that he could pay Roger Clinton \$200,000 in “appearance fees” for meetings regarding the

⁶³⁹ *Id.*

⁶⁴⁰ *Id.*

Legacy Foundation. Given the fact that the Lincecums appear to live under relatively modest circumstances, it is difficult to believe that they would give \$200,000 of their money to pay for these meetings. Rather, the Lincecums have offered the only convincing explanation that has been offered about why they would surrender their life savings — because they were attempting to obtain a pardon for Garland.

- Third, Garland Lincecum, Guy Lincecum, Alberta Lincecum, and every witness who supported their account cooperated with the Committee. On the other hand, Locke, Morton, and Roger Clinton all refused to cooperate with the Committee. The Lincecums, R.V. Wilson, Jim McClain, and Jim McCaskill were all willing to step forward and say what they knew, facing the potential of prosecution if they were lying. Therefore, their story has much more credibility than any accounts offered by attorneys for Clinton, Locke, or Morton, who have either taken the Fifth or made it clear that they would take the Fifth.
- Fourth, the documentary evidence tends to support the Lincecum account. For example, on August 7, 1998, Dickey Morton sent Richard Cayce a letter demanding payment of \$100,000 in relation to a “political meeting” — not a business meeting.⁶⁴¹ While this document does not explicitly refer to a pardon, the phrase “political meeting” applies more accurately to an illicit pardon-for-cash discussion than to a legitimate business proposition. Another document that supports Lincecum’s account is an October 1999 letter to Dickey Morton discussing a potential oil deal between Morton and some of Lincecum’s associates. In the letter, Lincecum, writing from prison, states, “I am sure that within 60 days of my release there will be four parties prepared to proceed on a similar item for themselves.”⁶⁴² It is not clear whether the “item” referred to by Lincecum is a pardon, but it is clear that he anticipated a prompt release when he wrote the letter. Given that Garland had served only six of the 87 months required by his sentence when he wrote the letter, it appears to be contemporaneous corroboration of Garland’s claim that he expected to receive a pardon after paying CLM. The letter supports Lincecum’s claims because it establishes that his expectation significantly predates his public allegations about the payment-for-pardon scheme.

While there is a preponderance of evidence showing that Garland Lincecum attempted to purchase a presidential pardon through Dickey Morton and George Locke, there is less evidence that shows Roger Clinton was an active participant in the scheme. However, the evidence against Roger Clinton is still substantial. There are three main pieces of evidence that suggest Roger Clinton participated in the scheme to defraud the Lincecum family.

- First, Roger Clinton received at least \$25,500 (or more likely \$43,500, including the cash payment admitted by Locke and Morton) from CLM.⁶⁴³ Yet, Roger Clinton claimed that

⁶⁴¹ Dickey Morton Document Production 001144 (Letter from Dickey Morton, to Richard Cayce (Aug. 7, 1998)) (Exhibit 76).

⁶⁴² Dickey Morton Document Production 000323 (Letter from Guy Lincecum, to Dickey Morton (Oct. 26, 1999)) (Exhibit 87).

⁶⁴³ While Roger Clinton’s receipt of a portion of the cash delivered by Richard Cayce is not established with absolute certainty, two factors strongly support it. First, in their proffer, Locke and Morton state that they gave

he “never heard of CLM” and never authorized Morton or Locke to use his name in any way. Clinton’s denials do not square with the indisputable fact that he received two checks from CLM totaling \$25,500. Considering Roger Clinton’s sporadic employment in this time frame, this was not an insignificant amount of money likely to be forgotten. The only two explanations that have been offered for these payments are that: (1) Roger Clinton was selling pardons or (2) Roger Clinton was selling his name. Clinton denied both but has offered no alternative.

- Second, in his proffer, Richard Cayce has claimed that he discussed the Lincecum pardon with Clinton, Locke, and Morton. Cayce maintains that Clinton, Locke, and Morton all told him that they could arrange the pardon for Lincecum, provided that he paid \$200,000 to them. While Cayce offers a clear and damning statement against Clinton, it cannot be given significant weight for the same reason that the proffer of Morton and Locke cannot be given significant weight. Richard Cayce has invoked his Fifth Amendment rights, and has made his statements through his lawyer. On the other hand, Cayce told Lincecum in August 1998, shortly after the meeting with Clinton, Locke, and Morton, that he had discussed the purchase of a pardon with them and that they had agreed to do it. Therefore, there is some contemporaneous corroboration of Cayce’s proffer. Moreover, unlike Locke and Morton, Cayce does not appear to have profited at the expense of the Lincecum family. His organization, the M.M. Foundation, actually lost \$70,000 to CLM. Hence, it is difficult to imagine a motive for Cayce to lie to Lincecum in 1998 about whether he had discussed a pardon with Clinton, Locke, and Morton.
- Third, Garland Lincecum has stated that he saw Roger Clinton at the meeting in Dallas where he first arranged the purchase of the pardon. Lincecum did not participate in the meeting where the purchase of the pardon was discussed with Roger Clinton, but he did see Roger Clinton watching his meeting with Cayce, Locke, and Morton from a mezzanine in the hotel. Obviously, the mere fact that Lincecum saw Roger Clinton at a hotel in Dallas while he met with Cayce, Morton, and Locke regarding his pardon does not prove that Clinton was involved. However, that fact becomes significant when combined with the allegation that Cayce met with Roger Clinton earlier that day and discussed the purchase of a pardon with Clinton.

Therefore, there is substantial evidence that Dickey Morton and George Locke participated in a scheme to defraud Garland Lincecum and his family of a significant sum of money by promising them that they could obtain a pardon in exchange for \$300,000. There is also evidence that Roger Clinton participated in this scheme. Bank records establish conclusively that Clinton received, at a minimum, \$25,500 from Morton and Locke that they had obtained directly from the Lincecums, yet Clinton has offered no satisfactory explanation as to why he received this money. However, the evidence against Roger Clinton in the Lincecum matter is somewhat equivocal. A full understanding of his role in the Lincecum matter could not

Clinton \$18,000 of the \$30,000. Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 18, 2001) (within Appendix I). Second, Roger Clinton’s bank records indicate that he deposited \$12,500 in late August 1998, after the meeting in Dallas. Bank of America Document Production (Exhibit 77).

be obtained without full and honest cooperation from Dickey Morton, George Locke, and most importantly, Roger Clinton. All three refused to provide the requisite level of cooperation.

IV. OTHER PARDON CANDIDATES

In addition to Gambino and Lincecum, the Committee obtained evidence connecting Roger Clinton to many other pardon seekers — many more than the six, unnamed “close friends” for whom Clinton has publicly admitted lobbying. While Clinton was unsuccessful in actually obtaining a pardon for anyone but himself, he nonetheless attempted to misuse his position and access to the President for personal gain. It appears that President Clinton may have categorically decided to deny clemency petitions advocated by his brother. Roger Clinton told the media that his brother’s rejection of his appeals caused “a serious rift” between him and his brother:

Saying he told his brother he would forgo a pardon for himself if the president would grant clemency to his friends, Roger Clinton added: “I cried about a couple of days; I was in an emotional funk. I didn’t know how to feel. It was so important to me that these people on the list, that they get it and not me. I guess he didn’t think so[.]”⁶⁴⁴

Regardless of whether President Clinton’s clemency decisions involving his brother were categorical or based on the merits of each individual case, the unusually large number of cases associated with Roger Clinton merit further inquiry and explanation. Some of the clemency-seekers discussed below were likely in the category of “close friends.” Others, however, had only met Roger Clinton, if at all, after he began lobbying on their behalf. More importantly, several of the cases involve solicitations or promises of some form of payment, such as cash or lucrative business interests, in exchange for Clinton’s assistance.

A. Dan Lasater and George Locke

In the early 1980s, Dan Lasater was a Little Rock, Arkansas, bond broker and partner in the firm Collins, Locke, and Lasater. Lasater was a close associate of the Clintons, raising money for Bill Clinton’s political campaigns and loaning money to pay Roger Clinton’s drug debts. George Locke was an Arkansas state senator and business associate of Lasater’s. In December 1986, Dan Lasater pled guilty in federal court to conspiracy to possess and distribute cocaine and was sentenced to 30 months in prison.⁶⁴⁵ Roger Clinton and George Locke were also convicted for their involvement in the Lasater cocaine distribution conspiracy.⁶⁴⁶ Clinton was sentenced to 24 months in prison and Locke was sentenced to 15 months.⁶⁴⁷

The Clintons have a long association with Lasater and Locke, dating back years before the cocaine convictions. Bill Clinton met with Dan Lasater, David Collins, and George Locke

⁶⁴⁴ Susan Schmidt, *Clinton’s Brother Promised Pardons*, WASH. POST, Feb. 24, 2001.

⁶⁴⁵ Dan Lasater Document Production (Petition for Pardon, May 4, 2000) (Exhibit 89).

⁶⁴⁶ *Id.*

⁶⁴⁷ *Id.*

the day after losing his re-election bid for Governor to Frank White in 1980.⁶⁴⁸ The purpose of the meeting was to secure Lasater's support for his bid to regain the governorship in 1982.⁶⁴⁹ Lasater subsequently became a major donor and fundraiser for Clinton's political campaigns. At the request of then-Governor Bill Clinton, Lasater gave Roger Clinton a job in 1983 on his horse farm in Ocala, Florida.⁶⁵⁰ When Roger Clinton could not pay debts to his drug dealer, Lasater loaned him \$8,000.⁶⁵¹ In its final report, the Senate's Special Committee on Whitewater detailed the troubling evidence that Governor Clinton's office steered state bond business from the Arkansas Housing Development Agency and the Arkansas State Police Commission to Lasater's firm, providing it an unfair advantage over other firms competing for the underwriting business.⁶⁵² In 1990, Governor Clinton issued a conditional state pardon proclamation restoring all of Lasater's rights, privileges, and immunities under state law before his cocaine conviction, "including the right to own and possess firearms provided, however, no such restoration is effective until a federal removal of disabilities has been granted."⁶⁵³

Lasater filed a federal pardon application to the Justice Department on May 4, 2000.⁶⁵⁴ In the petition for clemency, Lasater maintains, "I *never* sold cocaine, ever."⁶⁵⁵ Rather, Lasater says he merely "shared my financial success" with friends by paying for their dinners and drinks and drugs: "If we were in a social setting and cocaine was available, anyone who wanted to could participate. No one forced it on anyone."⁶⁵⁶ However, this account from the clemency petition appears to have been somewhat sanitized. According to news reports, affidavits gathered by Julius "Doc" Delaughter, the State Police Investigator who conducted the Lasater investigation, tell a more damning story:

The extent of Lasater's alleged partying and coke distribution, and of his preying on teenage girls and young women, is outlined in dozens of affidavits taken by Delaughter. In one affidavit, Patricia Anne Smith alleges: "I was introduced to cocaine by Dan Lasater when I was 16 or 17 years old and a student at North Little Rock Old Main High School. . . . I was a virgin until two months after I met Dan Lasater. Lasater plied me with cocaine and gifts for sexual favors." She claimed he also arranged for her to see a doctor and be put on birth-control pills.

Other young girls related similar stories. Lisa Ann Scott, who was 19 when she first encountered Lasater and one of his broker partners, George Locke, alleged she received cocaine from both men from the middle of 1984 to the beginning of 1985: "The first time I met Dan Lasater and George Locke was at George Locke's apartment. On this particular evening George Locke gave me approximately ten snorts of cocaine. I received approximately eight to ten snorts from Dan Lasater."

⁶⁴⁸ INVESTIGATION OF WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS, S. REP. NO. 104-280, at 361.

⁶⁴⁹ *Id.*

⁶⁵⁰ *Id.* at 361–362.

⁶⁵¹ *Id.* at 362.

⁶⁵² *Id.* at 363–371.

⁶⁵³ Dan Lasater Document Production (State of Arkansas Proclamation, Nov. 13, 1990) (Exhibit 90).

⁶⁵⁴ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁵⁵ Dan Lasater Document Production (Petition for Pardon, May 4, 2000) (Exhibit 89).

⁶⁵⁶ *Id.*

Scott also detailed a trip to Las Vegas that she took with other girls on Lasater's jet where cocaine was made available.⁶⁵⁷

Lasater told Committee staff that he discussed his pardon petition with Roger Clinton on several occasions.⁶⁵⁸ He also forwarded a copy of his petition to Roger Clinton on May 8, 2000, four days after filing it with the Justice Department.⁶⁵⁹ Lasater understood that Roger would bring his petition to the President's attention but did not recall Roger saying anything about contacts with other White House staff regarding the petition.⁶⁶⁰ He recalled Roger talking about his plan to give the President a list of people that Roger wanted to receive pardons but did not know whether that actually happened.⁶⁶¹

George Locke also sought a pardon through Roger Clinton. Discussions about a pardon between Clinton and Locke began after Bill Clinton's reelection in 1996.⁶⁶² Roger informed Locke that "when the time was right that he would ask 'big brother' if he would consider giving Roger, Dan Lassiter [sic] and George Locke a pardon[.]"⁶⁶³ In December 2000, Locke prepared a pardon petition and sent it to Roger Clinton at the White House.⁶⁶⁴ Shortly thereafter, Roger informed Locke that he was going to discuss the pardon with the President.⁶⁶⁵ Both Locke and Lasater deny that they paid any money to Roger Clinton to obtain his help lobbying for the pardons. Rather, Locke believes that "Roger still felt responsible for the investigation and conviction of George Locke and Dan Lassiter [sic] and was, in essence, attempting to set the record straight between Locke, Lassiter [sic] and Clinton."⁶⁶⁶

The Committee has been unable to obtain detailed information about the President's reasons for denying the Locke and Lasater pardons. The only information obtained by the Committee comes from Associate White House Counsel Eric Angel, who stated that President Clinton, Bruce Lindsey, and Beth Nolan discussed the Lasater and Locke pardons.⁶⁶⁷ Angel stated that President Clinton believed that Lasater and Locke deserved pardons on the merits of their cases.⁶⁶⁸ However, according to Angel, the White House staff opposed the Lasater and Locke pardons because they believed they would be too controversial.⁶⁶⁹ Angel himself expressed concern to the President that conservative publications had written about Lasater and Locke and that they were the subject of "conspiracy theories" and the "conservative conspiracy

⁶⁵⁷ Jamie Dettmer, *Dan Lasater: A Friend of Bill's*, INSIGHT, Nov. 6, 1995.

⁶⁵⁸ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁵⁹ Dan Lasater Document Production (Letter from Dan Lasater, to Roger Clinton (May, 8, 2000)) (Exhibit 91).

⁶⁶⁰ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁶¹ *Id.*

⁶⁶² Letter from Mark F. Hampton, Hampton and Larkowski, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform 9 (May 18, 2001) (within Appendix I).

⁶⁶³ *Id.*

⁶⁶⁴ *Id.*

⁶⁶⁵ *Id.*

⁶⁶⁶ *Id.*

⁶⁶⁷ Interview with Eric Angel, Associate Counsel to the President, the White House (Mar. 28, 2001).

⁶⁶⁸ *Id.*

⁶⁶⁹ *Id.*

theorists” would “go nuts” if the pardons were granted.⁶⁷⁰ Whether the President rejected the Lasater and Locke pardons for these reasons or others is unknown.

It appears that Roger Clinton called Dan Lasater and George Locke on January 20, 2001, immediately after President Clinton left office. Roger Clinton told Lasater and Locke in these calls that he had failed to obtain their pardons. According to Lasater, Roger Clinton said he was embarrassed that his brother would not do that favor for him.⁶⁷¹

B. J.T. Lundy

In 1982, J.T. Lundy became President of Calumet Farms, the legendary horse-breeding farm that had dominated U.S. horseracing for decades.⁶⁷² Lundy gained control of the farm through his marriage to Calumet heiress Cindy Wright.⁶⁷³ Despite continued success at the track, by 1991, Calumet was bankrupt.⁶⁷⁴ Lundy was convicted in February 2000 on charges of bank fraud and bribery; he was sentenced in October 2000 to four and a half years in prison and \$20 million in restitution to the FDIC.⁶⁷⁵ The jury found that Lundy paid a \$1.1 million bribe to a Houston bank in exchange for \$65 million in unsecured loans.⁶⁷⁶

Dan Lasater knew J.T. Lundy through their mutual involvement in the horseracing business.⁶⁷⁷ Following his release from prison, Lundy had employed Roger Clinton at Calumet farms.⁶⁷⁸ Lasater indicated that he had discussed with Roger Clinton the possibility of obtaining a pardon for Lundy and that he believed Lundy and Clinton may have met to discuss a pardon as well.⁶⁷⁹ Documents indicate that, in late 1999, J.T. Lundy and his son Robert had extensive contacts and discussions with Lasater and Clinton regarding several business deals.⁶⁸⁰ It appears that Lundy was offering these business opportunities to Lasater and Clinton in return for Clinton’s help in obtaining a pardon for Lundy before his case went to trial. On September 14, 1999, J.T. Lundy wrote to Dan Lasater:

⁶⁷⁰ *Id.*

⁶⁷¹ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁷² Jacalyn Carfagno, *Fabled Silks, Faded Glory; The Rise and Fall of the Legendary Calumet Farm*, HOUSTON CHRONICLE, Mar. 29, 1992.

⁶⁷³ *Id.*

⁶⁷⁴ *Id.* (“Calumet’s board learned that the farm had \$400 in the bank and \$40 million in debt currently due. It was a steep plunge for a farm that had been transferred, debt-free, to a new generation of owners less than a decade before”).

⁶⁷⁵ *Calumet Farm Executives Sent to Prison for Bribery, Fraud*, ASSOCIATED PRESS, Oct. 20, 2000.

⁶⁷⁶ *Id.* During the financial downfall of Calumet Farms, its largest asset and most famous stallion, Alydar, died under suspicious circumstances. Prosecutors in Houston argued unsuccessfully that Lundy was complicit in the death of Alydar, who was insured for \$35 million. Janet Patton, *Closing the Book on Calumet Story: Farm’s Friends Hope Sentencing Spells the End*, LEXINGTON HERALD LEADER, Oct. 21, 2000. A U.S. District Judge found, “There is some physical evidence, and circumstances surrounding the event that are suspicious, but I cannot conclude he is responsible.” *Id.* However, Alydar’s groom, on duty when he was injured, was convicted of perjury before a Houston grand jury investigating the incident. *Calumet Farm Executives Sent to Prison for Bribery, Fraud*, ASSOCIATED PRESS, Oct. 20, 2000.

⁶⁷⁷ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁷⁸ Josh Tyrangiel, Viveca Novak, and Michael Weisskopf, *Brother, Where Art Thy Standards?* TIME, July 9, 2001.

⁶⁷⁹ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁸⁰ *Id.*

I absolutely give you my word that all things we have given to you and everything we have told you is 100% true and proven. You can use what has been told to you without any worries or any concerns. I have *been* working on these projects for several years and have put together the whole structure. This is not hear say [sic] I am telling you.

* * *

We have every document, map, studies, mining plans and everything to provide for you.

* * *

Once again I want to thank you for helping to save me.⁶⁸¹

On the same day, Robert Lundy wrote to Lasater:

My Venezuelan partners Aura Diaz and Robert Korsakas are scheduled to meet with British Petroleum on Sept. 20. BP is being represented by an agent from Spain, BP has a [sic] tentatively offered .38 cents USD a metric ton. There are an [sic] estimated reserves of 107,000,000+.

(.38 X 107 million metric tons = \$40,660,000) We have not accepted this offer, we [sic] feel the concessions are worth .30 to .55 cents per metric ton.

All of our information is from the Venezuelan Government's geological reports of the coal in the Franja Nor Oriental coal region of Tachira State. Our concessions are located in this region. The concessions we have offered to BP are Concession Las Mesas Escalante, #16, #17 and #18.⁶⁸²

On October 11, 1999, Robert Lundy wrote to Roger Clinton (and provided a copy to Dan Lasater) the following letter:

I wish to find out when you and Dan [Lasater] will be able to schedule a meeting in Florida. Dan said, he will work with your schedule and will be available at your convenience.

* * *

I want to point out a couple of things to you. As you know, Dan and J.T. have been doing deals together for more than 25 years. I am sure that Dan will tell you that J.T. has never told him anything that is not 100% right.

⁶⁸¹ Roger Clinton Document Production RCC0006 (Letter from J.T. Lundy, to Dan Lasater (Sept. 14, 1999)) (Exhibit 92).

⁶⁸² Roger Clinton Document Production RCC0007 (Letter from Robert Lundy, to Dan Lasater (Sept. 14, 1999)) (Exhibit 93).

Dan has told J.T., He [sic] agreed to put the stock in his name for the group's interest. This way there will be no hassles or worries.

* * *

If you recall when we met at the Dallas Airport, we talked about racehorses. . . . J.T. really wants to get back into it full time. . . . With the impute [sic] and directions from everyone, we can all have a lot of fun and make money.

* * *

I know you understand the anxiety that J.T. is going through. Please try to set up a meeting date as soon as your schedule permits.⁶⁸³

Approximately one month later, on November 10, 1999, J.T. Lundy wrote to Roger Clinton, indicating his growing concern as his trial date grew nearer:

I am sorry to worry you and Dan continually, but I am sure both of you know why I am so anxious, with the trial date set for January 16, 2000.

Dan and I talk nearly everyday. . . . I wrote Dan a Fedex letter, last Saturday, to explain my ideas of how we can handle everything.

You and Dan can make final plans. We will go on and transfer the stock share over to Dan now. This will allow you and your group some time to see if anyone owes you a favor that needs to be repaid. If you find that something good develops, we will work and get the rest of the stock for you at a reasonable price.

I have suggested a way that Dan can own your stock, and there is no way any outsider can every [sic] know the true owners. Also, no one can ever get their hands on any of your money. And it is TAX FREE!

* * *

Robert will need your proxy so he will still have the 51% majority vote, as he does now.

With your help, we can work out a way to postpone everything until between November 8, 2000; and January 19, 2001.⁶⁸⁴

On November 30, 1999, J.T. Lundy sent another letter to Roger Clinton with almost the exact same wording but with a more frantic tone:

⁶⁸³ Roger Clinton Document Production RCC0010 (Letter from Robert Lundy, to Roger Clinton (Oct. 11, 1999)) (Exhibit 94).

⁶⁸⁴ Roger Clinton Document Production RCC0011 (Letter from J.T. Lundy, to Roger Clinton (Nov. 10, 1999)) (Exhibit 95).

You will make a great deal of money. Dan can give you an idea of the amounts you will get.

With you and Dan's help, a way can be worked out to postpone everything until after the November 8 election, and before the date you all leave office in 2001.

PLEASE get in touch with Dan *soon*. He has all the details of what you will receive and he is willing to take care of everything for you all. *Time is getting short! PLEASE HELP ME NOW!*⁶⁸⁵

These documents demonstrate that, as Lundy's trial date neared, he was more and more urgently seeking Lasater's and Clinton's participation in the Venezuelan coal deal. They also demonstrate that Lasater was intimately involved in the deal and that Lundy clearly expected the deal to have some impact on his legal troubles. Together with Lasater's admission to Committee staff that he and Lundy discussed obtaining a pardon for Lundy through Roger Clinton, the documents strongly suggest that Lundy was providing Roger Clinton a sweetheart business deal in exchange for his help in trying to obtain a pardon. First, the repeated reference to timing "everything" so as to occur after the presidential election but before the end of the Clinton Administration suggests that whatever Roger's part in the deal involved, it would be politically damaging if discovered just before the election. It also suggests Roger's part in the deal would require some official, presidential act, which could not occur after President Clinton left office. Second, the repeated references to Lundy's rapidly approaching trial date suggest that Roger's part in the deal would have some impact on Lundy's legal jeopardy. The most likely explanation is that Lundy was seeking some form of executive clemency through Roger Clinton.

When questioned about these matters, Dan Lasater was less than forthcoming.⁶⁸⁶ Lasater at first claimed that other than some matters related to horseracing, he and Lundy did not have any business dealings together.⁶⁸⁷ His denial directly contradicted the extensive documentary evidence discussed above; Lasater was presumably unaware the Committee possessed those documents. Regarding pardon discussions, Lasater said he had asked Roger Clinton about a pardon for Lundy on one occasion but that Roger had said he thought a pardon was not appropriate before someone had gone to prison.⁶⁸⁸ Lasater did not recall any discussions of a commutation for Lundy and did not know when the meeting between Lundy and Clinton occurred.⁶⁸⁹

⁶⁸⁵ Roger Clinton Document Production RCC0012 (Letter from J.T. Lundy, to Roger Clinton (Nov. 30, 1999)) (Exhibit 96)

⁶⁸⁶ Lasater has also lied to federal authorities in the past. In 1986, a federal judge found that he lied under oath in the course of the bankruptcy trial of his partner George Locke. INVESTIGATION OF WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS, S. REP. NO. 104-280, at 362. Moreover, the Senate Special Committee on Whitewater noted in its final report that Lasater did not disclose the judge's finding to the Committee. Instead Lasater falsely claimed, "it has never been alleged that I committed any fraudulent act or lied in the course of any investigation." *Id.*

⁶⁸⁷ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁸⁸ *Id.* This remark is similar to what Dickey Morton told Garland Lincecum. See, Section III.A.6, "Lincecum's Attempts to Receive the Pardon."

⁶⁸⁹ Telephone Interview with Dan Lasater (May 7, 2001).

When asked if Clinton was doing any business with Lundy, Lasater said not to his knowledge, and “I don’t know how they could have.”⁶⁹⁰ When asked whether he had ever discussed holding Clinton’s interest in an investment, Lasater said he had not.⁶⁹¹ Lasater’s denial directly contradicted the statement in Robert Lundy’s letter to Roger: “Dan has told J.T., He [sic] agreed to put the stock in his name for the group’s interest. This way there will be no hassles or worries.”⁶⁹² After denying he had agreed to hold stock for Clinton, Lasater said that Lundy was “really at his wits end the nearer he got to actually going into prison.”⁶⁹³ Lasater said Lundy mentioned “some things” to him but that he did not pass them on to Roger. Lasater said Lundy was “asking a question out of desperation” and mentioned helping Roger with proceeds of a coal deal in Venezuela.⁶⁹⁴ Lasater said Lundy did not mention a number or an estimate of how much Roger could make and that he just “blew it off.”⁶⁹⁵ However, Lasater had in fact received a letter from Robert Lundy estimating the deal’s total worth at nearly \$41 million, and J.T. Lundy had written to Roger (and sent a copy to Lasater), saying: “You will make a great deal of money. Dan can give you an idea of the amounts you will get.”⁶⁹⁶

When confronted with questions about specific documents, Lasater’s answers became less responsive and more vague. Committee staff asked about the letters to Roger Clinton from J.T. Lundy and copied to Lasater stating, “With you and Dan’s help, a way can be worked out to postpone everything until after the November 8 election, and before the date you all leave office in 2001.”⁶⁹⁷ In response, Lasater claimed that he had merely invested money and lost it. He stated that the “only thing” he did “on the Venezuela coal deal” was to put in money.⁶⁹⁸ Lasater said that Lundy thought the whole deal would make \$10 million of which Lasater owned 20 percent, but Lasater said he had made no money.⁶⁹⁹ Lasater’s admission to owning 20 percent of the coal deal contradicted his earlier claim to have no non-horse-related business dealings with Lundy. Moreover, his admission came only after he learned that Committee staff had reviewed documents related to the deal. Lasater went on to deny that he ever discussed the coal deal with Roger Clinton, repeating that he merely “blew it off.”⁷⁰⁰ Given that Lasater invested his own money and owned 20 percent of the venture, this statement presumably refers to the idea of involving Roger Clinton in the deal. Apparently still referring to Clinton’s involvement, Lasater

⁶⁹⁰ *Id.*

⁶⁹¹ *Id.*

⁶⁹² Roger Clinton Document Production RCC0010 (Letter from Robert Lundy, to Roger Clinton (Oct. 11, 1999)) (Exhibit 94).

⁶⁹³ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁹⁴ *Id.*

⁶⁹⁵ *Id.*

⁶⁹⁶ Roger Clinton Document Production RCC0007 (Letter from Robert Lundy, to Dan Lasater (Sept. 14, 1999)) (Exhibit 93); Roger Clinton Document Production RCC0011 (Letter from J.T. Lundy, to Roger Clinton (Nov. 10, 1999)) (Exhibit 95).

⁶⁹⁷ Roger Clinton Document Production RCC0012 (Letter from J.T. Lundy, to Roger Clinton (Nov. 30, 1999)) (Exhibit 96)

⁶⁹⁸ Telephone Interview with Dan Lasater (May 7, 2001).

⁶⁹⁹ *Id.*

⁷⁰⁰ *Id.*

went on to say that “it was too far out” and “you just don’t do those things.”⁷⁰¹ Then, Lasater declared: “there is nothing in the coal deal. I guarantee it.”⁷⁰²

It is unclear whether Roger Clinton asked President Clinton to grant executive clemency to J.T. Lundy. Regardless, Lundy did not receive clemency. It is also uncertain whether Roger Clinton received any financial benefits from Lundy. Clinton did receive tens of thousands of dollars in travelers checks purchased in Venezuela in 1999 and 2000, but it is not clear if any of those checks have a connection to the Lundy matter.

C. Blume Loe

On August 10, 1999, Blume Loe was convicted on charges of tax fraud.⁷⁰³ Loe was the manager of High Port Marina, a complex of boat slips, restaurants, and other businesses on Lake Texoma at the Texas-Oklahoma border.⁷⁰⁴ The lake is owned by the U.S. Army Corps of Engineers and was leased by Loe’s family.⁷⁰⁵ At the time of his conviction, Loe’s parents were already serving time in prison on charges of mail fraud, wire fraud, and defrauding the Corps of Engineers, which was entitled to a portion of gross sales under the terms of the lease.⁷⁰⁶ Blume Loe failed to report \$450,000 of income on his tax returns and claimed that the money was a series of loans from his mother.⁷⁰⁷ However, Loe was found to have been a knowing participant in a scheme to hide the money from the Corps of Engineers and the IRS.⁷⁰⁸

Blume Loe had worked for Dan Lasater in the 1980s as a salesman at his bond firm and presumably knew Roger Clinton through their mutual association with Lasater.⁷⁰⁹ On May 30, 2000, Loe wrote to Roger Clinton seeking his assistance in obtaining a pardon:

I thought I would be direct. Yes, this is me, and yes, this is Blume Loe asking you to get with brother Bill, and get me PARDONED.

As you know I was convicted on some tax charges. I never believed your brother’s Government would get a conviction, but they did. I was sentenced to prison, and I know you know what that means. Seems now I am going through all those things that I never believed I would have to do to get this thing taken care of. For one, I am sitting in this goddamn law library typing a letter like a prison writ-writer. If these guys around me knew what I was writing, or who I was

⁷⁰¹ *Id.*

⁷⁰² *Id.*

⁷⁰³ Bill Lodge, *Manager of Lake Texoma Marina Convicted of Fraud*, DALLAS MORNING NEWS, Aug. 11, 1999.

⁷⁰⁴ *Id.*

⁷⁰⁵ *Id.*

⁷⁰⁶ *Id.*

⁷⁰⁷ *Id.*

⁷⁰⁸ *Id.*

⁷⁰⁹ Telephone Interview with Dan Lasater (May 7, 2001). When Loe’s wife spoke to the media, she indicated that Loe had met Roger Clinton “in the late 1970’s when they were students at University of Arkansas.” Alison Leigh Cowan, *House Committee Asks Roger Clinton to Explain Some Ties to Pardon Requests*, N.Y. TIMES, June 29, 2001.

writing to, [G]od knows what would happen. So anyway, it's me, and I need your help.⁷¹⁰

Loe had attempted to contact Clinton through some mutual friends, David Burnett and David Crews. According to Dan Lasater, David Crews' sister, Lana Crews, had once been Roger Clinton's girlfriend.⁷¹¹ Loe's letter describes his previous attempts to contact Clinton:

I talked to Dave [Burnett], and we discussed how this could get this done. Dave talked to David Cruse, [sic] and David Cruse [sic] says he talked to you about this deal. I hope all this happened like I was told, but if it did not I would not be surprised. I learned in here that things are not always like they have been told. However, whether you have talked to anyone about me, to date, or not, I am now reaching out to you personally.⁷¹²

David Crews confirmed that David Burnett contacted him about helping to secure Roger Clinton's help in obtaining a pardon for Blume Loe.⁷¹³ Crews knew Roger Clinton and estimated that he probably saw him once a year.⁷¹⁴ However, Crews said he did not want to approach Roger with "something like this."⁷¹⁵ Crews denied that he did anything to assist Loe in his effort to obtain a pardon.⁷¹⁶

Loe's letter also refers to contacts between his lawyer and Roger Clinton:

You will be receiving a package from my attorney on appeal about the pardon issue. Her name is Cindy Goosen, and all the paperwork on my side should be in that package. She's a good lawyer, and you can talk to her. She knows what time it is. She ain't no idiot, like my trial lawyer was. Talking to her is talking to me.

* * *

I also know that what I am requesting is extraordinary. While I know that you are trying to get one, I hope yours comes, if at all, at about the same time mine comes . . . if you know what I mean. I would not be approaching you with this if I was not desperate with no where else to turn. I need your help on this.⁷¹⁷

When Committee staff contacted Loe's lawyer, Cynthia Goosen, and attempted to arrange an interview, she first responded by claiming that she could not discuss any matters

⁷¹⁰ Roger Clinton Document Production RCC0002 (Letter from Blume Loe, to Roger Clinton (May, 30, 2000)) (Exhibit 97).

⁷¹¹ Telephone Interview with Dan Lasater (May 7, 2001).

⁷¹² Roger Clinton Document Production RCC0002 (Letter from Blume Loe, to Roger Clinton (May, 30, 2000)) (Exhibit 97).

⁷¹³ Telephone Interview with David Crews (May 29, 2001).

⁷¹⁴ *Id.*

⁷¹⁵ *Id.*

⁷¹⁶ *Id.*

⁷¹⁷ Roger Clinton Document Production RCC0002-3 (Letter from Blume Loe, to Roger Clinton (May, 30, 2000)) (Exhibit 97).

related to Loe because of the attorney-client privilege.⁷¹⁸ After being informed that any contacts with Roger Clinton, whom she did not represent, would not fall within the attorney-client privilege, Goosen then claimed that “any work done pursuant to any attempt to obtain clemency would have been protected by the attorney work product privilege” and that “as to any related matters which may not fall strictly within the privilege, it is my policy as an attorney to treat same as confidential and not to disclose same unless compelled to do so by judicial process.”⁷¹⁹ The refusal of Blume Loe and his lawyer to cooperate with the Committee’s investigation limits what can be known about Loe’s efforts to obtain a pardon.⁷²⁰ Likewise, because of Roger Clinton’s refusal to cooperate, it is unclear whether Loe was one of the names Clinton submitted to his brother for consideration.

D. Rita Lavelle

Roger Clinton did not limit his pardon lobbying to personal friends. He also agreed to assist Rita Lavelle, an Environmental Protection Agency Assistant Administrator for Solid Waste and Emergency Response in the Reagan Administration. In 1983, Lavelle was convicted of making false statements, obstructing a Congressional Committee, perjury before a Senate Committee and perjury before a House Committee.⁷²¹ She was sentenced to six months in prison, five years of probation, and a \$10,000 fine.⁷²² The charges against Lavelle stemmed from an investigation of allegations that she had continued to work on matters relating to a Superfund clean-up site despite formerly being employed by one of the alleged polluters of the site. Lavelle was convicted of lying about precisely when Justice Department and EPA lawyers had advised her to recuse herself.

Lavelle has maintained her innocence, appealing her conviction and attempting since the Reagan Administration to obtain executive clemency.⁷²³ She argues first that her former employer, Aerojet, was not charged with dumping at the Superfund site in question, Stringfellow, because “they never did.”⁷²⁴ Secondly, she contends that she was under no obligation to recuse herself but that she had merely made “a personal promise” to the Senate Confirmation and Oversight Committee not to work on matters “directly involving” her former employer.⁷²⁵ And thirdly, she alleges that her accusers had received campaign contributions or had other connections with named Stringfellow dumpers who “would economically benefit by

⁷¹⁸ Letter from David Kass, Deputy Chief Counsel, Comm. on Govt. Reform, to Cynthia S. Goosen, Cooper & Scully (May 14, 2001) (within Appendix I).

⁷¹⁹ Letter from Cynthia S. Goosen, Cooper & Scully, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 22, 2001) (within Appendix I).

⁷²⁰ Despite Loe’s refusal to speak to Committee staff, his wife’s comments on the matter were reported in the press: “She said she and her husband may have discussed going to Roger Clinton for help, ‘but we didn’t know how to contact him,’ said Ms. Loe. ‘I wouldn’t call us a dear friend,’ she said. ‘We haven’t talked to him in over 20 years.’” Alison Leigh Cowan, *House Committee Asks Roger Clinton to Explain Some Ties to Pardon Requests*, N.Y. TIMES, June 29, 2001.

⁷²¹ Rita Lavelle Document Production 005 (Petition for Pardon, Jan. 7, 2001) (Exhibit 98).

⁷²² *Id.* at 005.

⁷²³ Telephone Interview with Rita Lavelle (July 11, 2001).

⁷²⁴ Rita Lavelle Document Production 013 (Petition for Pardon, Jan. 7, 2001) (Exhibit 98).

⁷²⁵ *Id.* at 014.

stalling and de-railing EPA's cleanup orders[.]”⁷²⁶ She has also implied that political corruption tainted the appellate review of her conviction:

Approximately three weeks after the Appellate Court Hearing, Senators Metzenbaum and Kennedy asked me to come to Kennedy's Office. They were on the Judiciary Committee and they wished me to testify against Ed Meese who was nominated for the new Attorney General. Having worked for Mr. Meese and President Reagan since the early days in California when Reagan was Governor, it was obvious to them I could evoke some “tantalizing” memories. At first they were charming then they got down to threats if I didn't co-operate. Finally Kennedy told me either I appear before his committee and testify against Meese or I would lose the Appeal and go to Jail. My Irish Pride and Catholic Optimism took over and after informing them there was only one innocent person in the room and she was leaving, Kennedy screamed the prophetic “and she is going to jail.”

Several months later (to be specific the Friday before the Inauguration of Reagan for his second term) the Court made a “small” announcement that they were denying the Appeal with NO Comment. The three member Appellate Court Hearing was now reduced to two Democrats who had “No Comment.” The one Republican Member had accepted a Sabbatical to England and had not provided comment prior to leaving.⁷²⁷

Sometime in 2000, Lavelle decided to seek to obtain clemency from the Clinton administration. She first approached a friend, Michael Dodds, who was a contract security provider who frequently traveled with Roger Clinton overseas.⁷²⁸ Lavelle told Committee staff that Dodds knew that she was having trouble finding work because of her felony conviction and that he helped her contact Roger Clinton to request that Roger hand-carry her pardon petition to President Clinton.⁷²⁹ At one point, she spoke to Dodds and Clinton on the phone simultaneously about her request.⁷³⁰ Later, Lavelle said that, through Michael Dodds, Roger Clinton asked for “\$10,000 or \$30,000” to hand carry the petition for her.⁷³¹ Although Dodds claimed that he “never supposed that [Clinton] might want payment” and that Clinton merely thought Lavelle's case was deserving, Lavelle's memory on this point is clear.⁷³² In fact, Lavelle said that such a fee request “was to be expected” and that it “was not a quid pro quo.”⁷³³ Lavelle explained that she was bankrupt and that, although she could not afford to pay, Roger Clinton “was kind

⁷²⁶ *Id.*

⁷²⁷ *Id.*

⁷²⁸ Telephone Interview with Rita Lavelle (July 11, 2001).

⁷²⁹ *Id.*

⁷³⁰ *Id.*

⁷³¹ *Id.*

⁷³² Telephone Interview with Michael Dodds (July 31, 2001).

⁷³³ Telephone Interview with Rita Lavelle (July 11, 2001).

enough” to carry it without payment.⁷³⁴ Dodds denied the allegation that Clinton asked Lavelle for money.⁷³⁵

Clinton instructed Lavelle to send her petition to an address at the White House Usher’s office. Lavelle did so.⁷³⁶ She also spoke to Roger Clinton by phone about her pardon petition several times.⁷³⁷ In the first contact after Clinton had agreed to deliver her petition, he called to say that the President was “favorably disposed” to granting her clemency.⁷³⁸ But, on the Friday night before the inauguration, Roger Clinton called again and asked Lavelle, “Do you have \$100,000 to get this through?”⁷³⁹ Lavelle said she interpreted the comment as a joke because she was bankrupt and could not possibly raise \$100,000 so quickly.⁷⁴⁰ Also, Clinton had already told her that it was probably too late to get her petition granted.⁷⁴¹ Nevertheless, Roger Clinton did ask Lavelle if she had \$100,000 in connection with the pardon effort. Clinton went on to explain that “the President is under a lot of pressure” and asked “what can you do with the Bush team?”⁷⁴² Lavelle replied that she was “close to the conservative elements.”⁷⁴³ Roger told her that “political equity was more important than money at this point.”⁷⁴⁴

Lavelle did not receive clemency on inauguration day and, much as he apparently did with others for whom he had lobbied, Roger Clinton called to tell her that he was upset and embarrassed that his requests for pardons were not granted.⁷⁴⁵ Lavelle spoke to Clinton one more time after his brother was out of office, but she could recall only that the conversation focused on his claim that he was framed on a drunk driving charge that had recently received a lot of press attention.⁷⁴⁶ Lavelle’s account provides a disturbingly cynical view of politics and the pardon process. It also illustrates that Roger Clinton was willing to use his relationship and access to the President to help not only dear friends, as he has claimed in the press, but also any stranger who might possibly provide money or “political equity” beneficial to the Clintons.

E. John Ballis

In 1990, Houston real estate developer John Ballis pled guilty to paying a savings and loan president \$371,000 in kickback money (\$300,000 of which was provided in the form of a

⁷³⁴ *Id.*

⁷³⁵ Telephone Interview with Michael Dodds (July 31, 2001).

⁷³⁶ Telephone Interview with Rita Lavelle (July 11, 2001).

⁷³⁷ *Id.*

⁷³⁸ *Id.*

⁷³⁹ *Id.*

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.*

⁷⁴² *Id.*

⁷⁴³ *Id.*

⁷⁴⁴ *Id.* Lavelle also claims that Clinton then asked her, “Who do you know at Pepperdine?” Lavelle said she realized later that this was a reference to former Independent Counsel Kenneth Starr’s aborted departure to become Dean of Pepperdine Law School. Lavelle understood Roger Clinton to be probing to see if she could assist in obtaining a deal or if her pardon could become part of a deal between President Clinton and the Office of Independent Counsel. The President was engaged in last-minute negotiations that ultimately led to the agreement not to prosecute that was announced hours before Clinton left office. *Id.*

⁷⁴⁵ *Id.*

⁷⁴⁶ *Id.*

cash-stuffed duffel bag delivered via helicopter) in exchange for \$6.7 million in loans.⁷⁴⁷ As part of the plea arrangement, Ballis provided authorities with details about the bribe and was given immunity from further prosecution arising out of the investigation.⁷⁴⁸ Ballis was sentenced to two years' probation and 160 hours of community service.⁷⁴⁹ Shortly after completing his community service, however, Ballis was indicted again for the crime to which he had earlier pled guilty as well as obstruction of justice.⁷⁵⁰ Prosecutors had cancelled the plea agreement on the grounds that Ballis had not met his obligation under the bargain to be complete and truthful in his debriefing.⁷⁵¹ Ballis was tried, convicted, and sentenced to 12 and a half years in prison.⁷⁵²

In 1989, Ballis married Joni Anderson.⁷⁵³ Anderson-Ballis had been a reporter for KTHV television in Little Rock, Arkansas, as well as an employee of Lasater and Co., a Little Rock-based securities company owned by Dan Lasater.⁷⁵⁴ Anderson-Ballis said she knew Bill Clinton, Roger Clinton, Bruce Lindsey, and Virginia Kelly (President Clinton's mother) "fairly well."⁷⁵⁵ She said John Ballis began seeking executive clemency soon after the revocation of his plea agreement in 1994.⁷⁵⁶ Anderson-Ballis wrote to President Clinton seeking clemency for her husband in November 1994:

I have met with Bruce Lindsey on this matter. He can show you the documents and fill you in on the details. He can also tell you about Representative Jack Brooks' interest and involvement in the case.

* * *

I'm aware the demands on your time are overwhelming and if it were not for our friendship, you'd probably never see this letter. However, friendship aside, this situation is one that warrants your consideration.⁷⁵⁷

The request did receive attention early on, according to Anderson-Ballis. She met with Webster Hubbell about the issue when he was Associate Attorney General and with Bruce Lindsey for

⁷⁴⁷ Steve McVicker, *Bad Deal; John Ballis was a Crook. But he Expected the Federal Government to Keep its End of a Bargain*," HOUSTON PRESS, Dec. 4, 1997.

⁷⁴⁸ *Id.*

⁷⁴⁹ *Id.*; Roger Clinton Document Production RCC0016 (Letter from John Ballis, to Roger Clinton (Jan. 9, 1999)) (Exhibit 99).

⁷⁵⁰ *Id.*

⁷⁵¹ Steve McVicker, *Bad Deal; John Ballis was a Crook. But he Expected the Federal Government to Keep its End of a Bargain*," HOUSTON PRESS, Dec. 4, 1997.

⁷⁵² Roger Clinton Document Production RCC0016 (Letter from John Ballis, to Roger Clinton (Jan. 9, 1999)) (Exhibit 99).

⁷⁵³ Roger Clinton Document Production RCC0022 (Letter from Joni Anderson-Ballis, to President William J. Clinton, the White House (Nov. 21, 1994)) (Exhibit 100).

⁷⁵⁴ George Wells, *Former Reporter Appears*, ARKANSAS DEMOCRAT-GAZETTE, Sept. 19, 1986. Anderson-Ballis appeared as a witness before a grand jury investigating Dan Lasater for cocaine distribution. *Id.*

⁷⁵⁵ Telephone Interview with Joni Anderson-Ballis (June 12, 2001).

⁷⁵⁶ *Id.*; Roger Clinton Document Production RCC0022 (Letter from Joni Anderson-Ballis, to President William J. Clinton, the White House (Nov. 21, 1994)) (Exhibit 100).

⁷⁵⁷ *Id.* See also Roger Clinton Document Production RCC0025 (Letter from Joni Anderson-Ballis, to Bruce Lindsey, Special Counsel to the President, the White House (Nov. 21, 1994)) (Exhibit 101).

two hours once when President Clinton was in Houston to attend a fundraiser.⁷⁵⁸ She also wrote letters to Roger Clinton and Bruce Lindsey. Her letter to Roger suggests he played an active role in advocating for Ballis:

Roger the Dodger —

I can't tell you how much your help means to me. I'm sure you understand.

* * *

Please ask Bill if he got the letter and also get any advice on how I should proceed with this. Mention to him that Primetime Live is interested in doing a piece at this point (Rick Nelson is the contact there) — I'm sending them documents today.⁷⁵⁹

Despite Ballis' connections, and even though the federal judge who initially sentenced Ballis wrote a letter supporting a grant of clemency,⁷⁶⁰ no executive action was taken on Ballis' case. One reason cited at the time was that Ballis had not yet exhausted his judicial appeals.⁷⁶¹

Roger Clinton did not stop trying to help Ballis, however. In December 1997, when he was lobbying the U.S. Parole Commission for the release of organized crime figure Rosario Gambino, he also inquired about a furlough for John Ballis.⁷⁶² According to Parole Commission staffers Marie Ragghianti and Tom Kowalski, Roger Clinton knew that Ballis had recently received a tentative release decision from a Parole Commission hearing examiner and was merely inquiring about the possibility of a furlough release for the holidays. Ragghianti and Kowalski referred him to the warden of Ballis' prison on the furlough issue and emphasized that the hearing examiner's decision was merely a recommendation and had to be approved before becoming final.⁷⁶³

⁷⁵⁸ Telephone Interview with Joni Anderson-Ballis (June 12, 2001).

⁷⁵⁹ Roger Clinton Document Production RCC0021 (Letter from Joni Anderson-Ballis, to Roger Clinton) (Exhibit 102).

⁷⁶⁰ Roger Clinton Document Production RCC0019 (Letter from the Honorable Lynn N. Hughes, U.S. District Judge, District Court for the Southern District of Texas, to President William J. Clinton, the White House (Oct. 28, 1994)) (Exhibit 103).

⁷⁶¹ Roger Clinton Document Production RCC0028 (Letter from Margaret Colgate Love, Pardon Attorney, Department of Justice, to the Honorable Lynn N. Hughes, U.S. District Judge, District Court for the Southern District of Texas (Jan. 6, 1995)) (Exhibit 104).

⁷⁶² Interview with Marie Ragghianti, former Chief of Staff, USPC (July 27, 2001).

⁷⁶³ USPC Document Production 00889 (Exhibit 40). Other documents, however, indicate that during his December meeting with Parole Commission staff, Clinton did more than merely ask about a holiday furlough. Clinton also provided copies of correspondence from Lois Franco, a criminal justice consultant apparently hired by Ballis. The correspondence consists of a fax from Franco to Clinton detailing the procedural status of Ballis' case and attached letter to the Commissioners arguing for Ballis' early release. USPC Document Production 00961 (Exhibit 105). The fax indicates that Ballis had instructed Franco to provide the information at Clinton's request and thanks Clinton for his assistance. *Id.* at 00961-63.

Clinton was successful, at least according to Ballis, in helping him obtain a parole date of March 26, 1998, after serving 40 months of his 12-year prison term. Upon learning in January 1998 of the parole date, Ballis wrote a letter to Roger:⁷⁶⁴

I finally got my copy of the Notice of Action — it was here the whole time — they just couldn't locate it — if you believe that bullsh*t.

But anyway I thought you might like to see the result of your help & work.

I can't thank you enough. I sure hope your meeting w/ Disney went OK & that you have a good trip to Korea.⁷⁶⁵

While Ballis' letter credits Clinton with helping him obtain his release, it is unclear exactly what, if anything, he did for Ballis before meeting with Parole Commission personnel in December 1997.

After Ballis was released from prison, Roger Clinton continued to help him in his effort to obtain executive clemency. Oddly enough, with all the help Clinton had given John Ballis through the years, they did not meet in person until 1999. Ballis wrote to Clinton in January 1999:

It was so nice to finally get to meet you. I trust you had a nice trip home and are getting ready to go to D.C. I wanted to get you the information on my commutation request so you would be able to familiarize yourself with it before your trip.

* * *

As you know, I have served my prison time and am currently in the half-way house until March 10, 1999. I will remain under the jurisdiction of the justice system until 2004 when my sentence ends. I am also required to pay fines and restitution in excess of 4 ½ million dollars.

* * *

I could go on and on about the injustices in my case, but, I'd rather put it all behind me and rebuild my life. I'm hoping you can help me do this by assisting me in getting Executive Clemency. This would eliminate future parole supervision — which lasts until 2004 — and do away with the fine and restitution portion of my sentence.⁷⁶⁶

⁷⁶⁴ Roger Clinton Document Production RCC0014–015 (Letter from John Ballis, to Roger Clinton (Jan. 15, 1998)) (Exhibit 106).

⁷⁶⁵ *Id.* at RCC0014.

⁷⁶⁶ Roger Clinton Document Production RCC0016 (Letter from John Ballis, to Roger Clinton (Jan. 9, 1999)) (Exhibit 99).

Joni Anderson-Ballis told Committee staff that she met with Roger Clinton about her husband's case about a week before the end of the Clinton Administration.⁷⁶⁷ Clinton told her that he was making a list of people that he planned to give to his brother and ask that they be granted executive clemency.⁷⁶⁸ Clinton also told her that he was trying to obtain a pardon for himself but did not know whether he was going to receive one. Anderson-Ballis told Clinton to tell the President to "please take another look at the Ballis case."⁷⁶⁹ She also said that she doubted that Roger actually asked the President to grant a pardon to her husband.⁷⁷⁰ However, there is documentary evidence suggesting that Roger Clinton did indeed present Ballis' name to the President. The National Archives produced to the Committee a document with the name "John Ballis" printed on it, and next to it, in President Clinton's handwriting was the following note, "Meredith call him on this I think there's a different option than the one we discussed — BC."⁷⁷¹ While this document does not contain Roger Clinton's name, it was produced to the Committee in the middle of a number of documents relating to Roger Clinton, so it is possible that Roger provided Ballis' name to the President.

Although it is not certain whether Roger Clinton lobbied the White House on the Ballis pardon, the Ballis case apparently did receive serious consideration in the closing days of the Clinton Administration. Ballis' name appears on three White House documents, in addition to the note from President Clinton to Meredith Cabe: a table of cases being tracked by Associate White House Counsel Meredith Cabe and two draft memos to the President.⁷⁷² In the entry for Ballis, the Meredith Cabe table notes, "Atty. Don Clark of Houston, dropped of [sic] papers personally; BRL?"⁷⁷³ Joni Anderson-Ballis said that Clark was the last lawyer they hired to work on the case.⁷⁷⁴ According to the draft memos dated December 17 and December 20, 2000, White House Counsels Beth Nolan, Bruce Lindsey, and Meredith Cabe all recommended to the President that he grant clemency to Ballis.⁷⁷⁵ The December 20, 2000, memo recommends that the President, "Commute remaining period of sentence of confinement (for which he is currently paroled), and remit fine, leaving intact the obligation to pay restitution."⁷⁷⁶ Anderson-Ballis said that their attorney, Don Clark, had traveled to Washington to meet with Administration officials regarding the Ballis request and also that Clark received a call two nights before the inauguration from Associate White House Counsel Eric Angel.⁷⁷⁷ Apparently, Angel was pursuing the "different option" suggested by the President in his note to Meredith Cabe. Angel asked Clark if there was any piece of the clemency request that Ballis would accept such as having the probation commuted but the restitution left intact.⁷⁷⁸ Clark replied that they would accept whatever was granted but that they preferred to receive a "complete pardon."⁷⁷⁹ After the call

⁷⁶⁷ Telephone Interview with Joni Anderson-Ballis (June 12, 2001).

⁷⁶⁸ *Id.*

⁷⁶⁹ *Id.*

⁷⁷⁰ *Id.*

⁷⁷¹ NARA Document Production (Handwritten Note) (Exhibit 107).

⁷⁷² NARA Document Production (Exhibits 108, 109, 110).

⁷⁷³ NARA Document Production (Exhibit 108).

⁷⁷⁴ Telephone Interview with Joni Anderson-Ballis (June 12, 2001).

⁷⁷⁵ NARA Document Production (Exhibits 109, 110).

⁷⁷⁶ NARA Document Production (Exhibits 110).

⁷⁷⁷ Telephone Interview with Joni Anderson-Ballis (June 12, 2001).

⁷⁷⁸ *Id.*

⁷⁷⁹ *Id.*

from Angel, Ballis was optimistic about the prospects, but in the end, he received no commutation.⁷⁸⁰

Anderson-Ballis said that she had not spoken to Roger Clinton since the end of the Clinton Administration.⁷⁸¹ Anderson-Ballis stated that she was initially mad at Roger when no commutation was granted but not any longer because she realized that “Bill loves his brother, but he does not respect him.”⁷⁸² When asked if Roger was paid for his work on the clemency request, Anderson-Ballis stated that he was not, and that anything that Roger did was out of friendship.⁷⁸³ Anderson-Ballis stated that “Roger is a good guy, but he is a lost soul.”⁷⁸⁴

F. Steven Griggs

In 1992, Steven M. Griggs pled guilty in the Eastern District of Missouri to conspiracy to manufacture and possess 100 grams or more of methamphetamine.⁷⁸⁵ Before being sentenced, however, he fled and remained a fugitive until being captured over a year later.⁷⁸⁶ Griggs was sentenced to over 24 years in prison and will not be released until 2013.⁷⁸⁷

In June 2000, Griggs submitted a commutation petition to the White House and Justice Department.⁷⁸⁸ Griggs’ request for a commutation was based on the argument that a 24-year prison sentence was too harsh for a first-time nonviolent offender, even one engaged in large-scale methamphetamine manufacture.⁷⁸⁹ In an effort to ensure that the petition would be granted, Griggs’ father sought Roger Clinton’s help through an old family friend. Griggs’ father is Chief Carl “Grey Owl” Griggs of the Northern Cherokee Nation of Missouri and Arkansas, an American Indian tribe, which is not recognized by the United States.⁷⁹⁰ The Clinton family friend is Daley McDaniel, the owner of a moving company in Hot Springs, Arkansas.⁷⁹¹ McDaniel knew Chief Griggs because McDaniel had been seeking admission into the tribe.⁷⁹² McDaniel told Committee staff that he also knew Roger Clinton very well, that he “helped raise Roger.”⁷⁹³ At one point, Roger Clinton had dated McDaniel’s daughter.⁷⁹⁴ McDaniel described how he had suggested to Chief Griggs that Roger might be able to help the Northern Cherokee Nation obtain official recognition by the U.S. government.⁷⁹⁵ McDaniel said that, when Bill

⁷⁸⁰ *Id.*

⁷⁸¹ *Id.*

⁷⁸² *Id.*

⁷⁸³ *Id.*

⁷⁸⁴ *Id.*

⁷⁸⁵ Steven Griggs Document Production (Petition for Commutation, June 20, 2000) (Exhibit 111); Alison Leigh Cowan, *Plea Mailed to Roger Clinton was Flagged by President*, N.Y. TIMES, June 30, 2001.

⁷⁸⁶ *Id.*

⁷⁸⁷ Steven Griggs Document Production (Petition for Commutation, June 20, 2000) (Exhibit 111).

⁷⁸⁸ *Id.*

⁷⁸⁹ *Id.*

⁷⁹⁰ Alison Leigh Cowan, *Plea Mailed to Roger Clinton was Flagged by President*, N.Y. TIMES, June 30, 2001; Telephone Interview with Daley McDaniel (July 9, 2001).

⁷⁹¹ *Id.*

⁷⁹² Alison Leigh Cowan, *Plea Mailed to Roger Clinton was Flagged by President*, N.Y. TIMES, June 30, 2001.

⁷⁹³ Telephone Interview with Daley McDaniel (July 9, 2001).

⁷⁹⁴ *Id.*

⁷⁹⁵ *Id.*

Clinton was governor of Arkansas, McDaniel could leave a message and his call would always be returned within a few days.⁷⁹⁶ But, McDaniel did not enjoy the same access to Bill Clinton after he became President.⁷⁹⁷ So, McDaniel decided to try to use Roger Clinton to gain the President's attention on the Northern Cherokee Nation recognition issue.⁷⁹⁸

When McDaniel told Chief Griggs about his plans to obtain federal recognition for the tribe, Griggs raised the issue of his son's imprisonment.⁷⁹⁹ McDaniel could not recall whose idea it was initially, but together they decided to also enlist Roger's help in getting Steven Griggs out of prison.⁸⁰⁰ According to McDaniel, the Chief told him that his son was in prison for marijuana.⁸⁰¹ Not until after a *New York Times* article⁸⁰² on the Griggs case was published did McDaniel learn that Steven Griggs was actually in prison for methamphetamines and that Griggs had been a fugitive for a year.⁸⁰³ McDaniel said he had not spoken to the Chief since the article was printed and that he felt like the Chief had misled him about the merits of his son's case.⁸⁰⁴

About six months before the end of the Clinton Administration, McDaniel called Roger Clinton to discuss the tribal recognition issue and the Steven Griggs case.⁸⁰⁵ McDaniel told Roger that Griggs was in prison for drug possession and "needed a pardon from Bill."⁸⁰⁶ Roger said, "sure."⁸⁰⁷ McDaniel gave Roger the Chief's phone number and believes that Roger spoke with the Chief two or three times by phone, beginning that evening.⁸⁰⁸ However, McDaniel was never privy to their conversations, and he did not believe Roger ever met the Chief in person.⁸⁰⁹ McDaniel said Roger helped "by running messages back and forth to his brother."⁸¹⁰ McDaniel and Chief Griggs sent faxes about the case to Roger who would then forward them to the President.⁸¹¹ McDaniel also said he had a lot of interaction with Associate White House Counsel Meredith Cabe related to the Griggs case.⁸¹² Cabe even called him on his cell phone to ask him questions about the case.⁸¹³ Documents substantiate McDaniel's account of Cabe's involvement. One of the tables used by Cabe to track pardon cases contains an entry for Stephen M. Griggs and notes under the heading, "Referred/Contacted by" that "Daley McDaniel strongly supports; acc. to McDaniel, Roger Clinton also supports[.]"⁸¹⁴

⁷⁹⁶ *Id.*

⁷⁹⁷ *Id.*

⁷⁹⁸ *Id.*

⁷⁹⁹ *Id.*

⁸⁰⁰ *Id.*

⁸⁰¹ *Id.*

⁸⁰² Alison Leigh Cowan, *Plea Mailed to Roger Clinton was Flagged by President*, N.Y. TIMES, June 30, 2001.

⁸⁰³ Telephone Interview with Daley McDaniel (July 9, 2001).

⁸⁰⁴ *Id.*

⁸⁰⁵ *Id.*

⁸⁰⁶ *Id.*

⁸⁰⁷ *Id.*

⁸⁰⁸ *Id.*

⁸⁰⁹ *Id.*

⁸¹⁰ *Id.*

⁸¹¹ *Id.*

⁸¹² *Id.*

⁸¹³ *Id.*

⁸¹⁴ NARA Document Production (Exhibit 108). This table was located in a file identified as belonging to Bruce Lindsey labeled "General Pardon File." This document's reference to Roger Clinton raises questions about the

According to Gary Krupkin, attorney for the Griggs family, one motive for Chief Griggs' and McDaniel's efforts seeking recognition for the tribe was to be able to establish a casino under the tribe's auspices.⁸¹⁵ Daley McDaniel said he never discussed any exchange of money with Roger Clinton or Chief Griggs.⁸¹⁶ McDaniel also denies that he discussed a potential casino with Clinton or Griggs.⁸¹⁷ McDaniel did admit to one reference to a casino in discussions with Roger Clinton. On December 25, 2000, McDaniel was speaking to Roger Clinton about the Griggs commutation while Roger was in the Oval Office.⁸¹⁸ McDaniel said he heard the President in the background saying: "Ask Daley if there are any casinos involved in this thing. I don't want any surprises."⁸¹⁹ McDaniel told Roger that there were no casinos involved and offered to have Chief Griggs write a letter "saying there were no plans to build any casinos."⁸²⁰ Roger told McDaniel that no such letter was necessary.⁸²¹

The following day, McDaniel spoke to Roger again. Roger called and said "Big Brother wants you to send him everything about Steven."⁸²² According to McDaniel, the President had instructed that the materials be sent by overnight mail.⁸²³ McDaniel called Chief Griggs who worked through the night to prepare and send a packet about Steven Griggs' accomplishments in prison.⁸²⁴ Roger Clinton provided a new fax number and a new address, which McDaniel said "had something to do with ushers." Soon afterward, Roger Clinton called McDaniel to say that the information packet had been lost for a time but had now been found.⁸²⁵ Clinton told McDaniel he was "heading to Big Brother's office to deliver it."⁸²⁶ Again, documents substantiate this account. The National Archives produced to the Committee a copy of an envelope sent by the Northern Cherokee Nation to Roger Clinton at the White House.⁸²⁷

Clinton's call led McDaniel and Griggs to believe "it was a done deal."⁸²⁸ McDaniel said the prison put Griggs "in protective custody" just before the end of the administration, leading the family to believe his sentence was going to be commuted.⁸²⁹ They thought he was being protected from other inmates who might be jealous of his being suddenly released.⁸³⁰ McDaniel

veracity of Bruce Lindsey's testimony before the Committee at its March 1, 2001, hearing where Lindsey was asked, "were you aware at the time the pardons were being considered at the White House in January of this year that the President's brother [Roger Clinton] was advocating on behalf of certain individuals?" Lindsey replied, "No, sir, I don't believe so." "The Controversial Pardon of International Fugitive Marc Rich," *Hearings Before the Comm. on Govt. Reform*, 106th Cong., 418-19 (Mar. 1, 2001).

⁸¹⁵ Alison Leigh Cowan, *Plea Mailed to Roger Clinton was Flagged by President*, N.Y. TIMES, June 30, 2001.

⁸¹⁶ Telephone Interview with Daley McDaniel (July 9, 2001).

⁸¹⁷ *Id.*

⁸¹⁸ *Id.*

⁸¹⁹ *Id.*

⁸²⁰ *Id.*

⁸²¹ *Id.*

⁸²² *Id.*

⁸²³ *Id.*

⁸²⁴ *Id.*

⁸²⁵ *Id.*

⁸²⁶ *Id.*

⁸²⁷ NARA Document Production (Envelope from Northern Cherokee Nation to Roger Clinton) (Exhibit 112).

⁸²⁸ Telephone Interview with Daley McDaniel (July 9, 2001).

⁸²⁹ *Id.*

⁸³⁰ *Id.*

said that, on the last day of the administration, Griggs was “on pins and needles” expecting the pardon to come down.⁸³¹ Indeed, Clinton had delivered the packet to the President, and the President appears to have been favorably disposed to granting a commutation. The President wrote a note to Associate White House Counsel Meredith Cabe on the outside of the envelope containing the Griggs material, “Meredith, looks like a case for commutation pls check out — BC.”⁸³² Despite the apparent support from the President himself and despite the assistance of Roger Clinton in moving Griggs’ last-minute petition to the head of the line, Griggs did not receive clemency. Daley McDaniel suspected that the President had learned something “at the last minute” that stopped him from granting the pardon.⁸³³ McDaniel speculated that it might be the fact that Steven Griggs had been a fugitive, which McDaniel himself did not learn until later⁸³⁴ and which had not been referenced in the petition. After the announcement of who had received pardons, McDaniel called Roger to find out what happened.⁸³⁵ Clinton told McDaniel that he and his brother had “a bad argument.”⁸³⁶ Roger told McDaniel that “it got rough” and that even the pardons for Roger’s personal friends that he had wanted most were denied.⁸³⁷

Committee staff made numerous attempts to interview Chief Griggs and Steven Griggs regarding these matters. After initially indicating a willingness to allow Chief Griggs to be interviewed, Griggs’ attorney then indicated that he could not allow the Chief to participate in an interview. The attorney also indicated that if Chief Griggs were subpoenaed to testify, he would invoke his Fifth Amendment rights.

G. Phillip Young

Phillip Young along with his family operates Catfish Young’s, a catering business and restaurant in North Little Rock, Arkansas.⁸³⁸ In 1992, Young pled guilty to illegally transporting federally protected game fish across state lines.⁸³⁹ Young had bought approximately 4,000 crappie in Louisiana for use in his family restaurant.⁸⁴⁰ It was a felony offense, and he was sentenced to 10 months in prison.⁸⁴¹ In November 1998, with the help of his attorney, Gene O’Daniel, Young began the process of applying for a pardon.⁸⁴² Young brought O’Daniel copies of the Justice Department pardon forms and asked him to help file a petition.⁸⁴³ O’Daniel said he did not know what prompted Young to request a pardon, but he filled out the forms and worked

⁸³¹ *Id.*

⁸³² NARA Document Production (Envelope from Northern Cherokee Nation to Roger Clinton) (Exhibit 112).

⁸³³ Telephone Interview with Daley McDaniel (July 9, 2001).

⁸³⁴ *Id.*

⁸³⁵ *Id.*

⁸³⁶ *Id.*

⁸³⁷ *Id.*

⁸³⁸ Telephone Interview with Phillip Young (Apr. 26, 2001).

⁸³⁹ Gene O’Daniel Document Production (Phillip Young’s Petition for Pardon, Nov. 13, 1998) (Exhibit 113).

⁸⁴⁰ *Id.*

⁸⁴¹ *Id.*

⁸⁴² Telephone Interview with Gene O’Daniel, former Counsel for Phillip Young (Mar. 29, 2001).

⁸⁴³ *Id.*

with the Pardon Attorney's Office to submit, correct, supplement, and finalize the application.⁸⁴⁴ It was final and complete at some point in 1999.⁸⁴⁵

According to O'Daniel, Young asked him for a copy of his pardon petition so that he could give it to Roger Clinton.⁸⁴⁶ Afterwards, in early January 2001, he learned from Young that someone had offered to obtain a pardon for Young if Young would pay Roger Clinton \$30,000. Young told O'Daniel that he had rejected this offer and that the unnamed person had come back and offered to obtain the pardon in exchange for a \$15,000 payment to Roger Clinton.⁸⁴⁷ Young refused to tell O'Daniel who made the offer, and O'Daniel told Young not to accept it.⁸⁴⁸ O'Daniel said he based his advice on his previous experience with Roger Clinton.⁸⁴⁹ In 1985, O'Daniel had represented Sam Andrews, Jr., who was convicted on cocaine charges on the testimony of Roger Clinton.⁸⁵⁰ In the course of the trial, O'Daniel had seen surveillance tapes of Roger that convinced him that Roger Clinton was a "bullsh*tter" who could not be trusted to deliver a pardon.⁸⁵¹

When interviewed by Committee staff, Phillip Young provided a conflicting account. According to Young, in late 2000, his brother Carey suggested that John Burkhalter, a friend of Carey's, might be able to help Young obtain a pardon because Burkhalter knew Roger Clinton.⁸⁵² Carey Young had met Burkhalter while in college and had remained friends since.⁸⁵³ Carey Young knew that Burkhalter was friends with Roger Clinton.⁸⁵⁴ Phillip Young said that he and his brother Carey discussed between themselves whether Clinton would charge a fee to help him obtain pardon.⁸⁵⁵ Phillip Young claims that, between themselves, they surmised that Roger would want between \$10,000 and \$15,000.⁸⁵⁶ Carey Young then approached Burkhalter about getting Clinton to work on Young's pardon.⁸⁵⁷ He called Burkhalter in October or November 2000 to determine whether Burkhalter would be willing to ask Clinton to deliver a copy of the pardon petition directly to the President.⁸⁵⁸

⁸⁴⁴ *Id.*

⁸⁴⁵ *Id.*

⁸⁴⁶ *Id.*

⁸⁴⁷ *Id.* Young mentioned to O'Daniel that there was a "Hollywood producer," Harry Thomason, who could help get a pardon, but O'Daniel did not think Young made any effort to contact Thomason. *Id.* Dan Lasater also reported that he "was told that Patsy Thomason had helped Jimmy Manning get a pardon" and that he had "heard that Sony Tucker of Hamburg, Arkansas, was trying to get pardon with Patsy Thomason's help." Telephone Interview with Dan Lasater (May 7, 2001).

⁸⁴⁸ Telephone Interview with Gene O'Daniel, former Counsel for Phillip Young (Mar. 29, 2001).

⁸⁴⁹ *Id.*

⁸⁵⁰ *Id.*

⁸⁵¹ *Id.*

⁸⁵² Telephone Interview with Phillip Young (Apr. 26, 2001).

⁸⁵³ Telephone Interview with Carey Young (Apr. 30, 2001).

⁸⁵⁴ *Id.*

⁸⁵⁵ Telephone Interview with Phillip Young (Apr. 26, 2001).

⁸⁵⁶ *Id.*

⁸⁵⁷ *Id.*

⁸⁵⁸ Telephone Interview with Carey Young (Apr. 30, 2001).

In the meantime, Phillip Young discussed the situation with his lawyer, Gene O'Daniel.⁸⁵⁹ Without naming Burkhalter, Young told O'Daniel he knew someone who knew Roger Clinton and that he was considering asking Clinton to help with the pardon.⁸⁶⁰ Young said that O'Daniel's reaction was to advise against getting Roger Clinton involved.⁸⁶¹ While Carey Young was waiting to hear back from Burkhalter, Young said O'Daniel called him repeatedly to ask whether he had gone through with his plan to involve Clinton in the pardon effort.⁸⁶² Young told O'Daniel he had spoken with Clinton but decided not to use his help.⁸⁶³ Young told Committee staff, however, that his claim to have spoken with Clinton was a lie fabricated merely to "get O'Daniel off of his back" and that he had not actually spoken to Clinton.⁸⁶⁴ Given Young's claim to have lied in order to deflect questions from O'Daniel, it is odd that O'Daniel did not even recall the supposed lie. Instead, O'Daniel said that he did not know whether Young ever spoke directly to Roger.⁸⁶⁵ After he told O'Daniel that he was not going to use Clinton, Young heard back from Burkhalter.⁸⁶⁶ Burkhalter had spoken with Roger Clinton, who told him it was too late to help Young obtain a pardon.⁸⁶⁷ Carey Young confirmed this aspect of his brother's story, saying he had a total of two discussions with Burkhalter about the pardon: one to ask him to contact Roger Clinton and one in which Burkhalter reported Clinton's answer that it was too late.⁸⁶⁸ Carey Young also insisted that there was no mention of money during either of these conversations.⁸⁶⁹ John Burkhalter likewise said he never discussed money with Roger Clinton, Carey Young, or Phillip Young in connection with Clinton's possible assistance.⁸⁷⁰

O'Daniel's and Young's accounts of their conversations about Roger Clinton are fundamentally incompatible. While both agreed that Young mentioned the possibility of enlisting Roger Clinton's help through an unnamed intermediary (presumably Burkhalter), they disagreed about the crucial facts regarding discussions of a fee. O'Daniel provided a more detailed account about an initial price of \$30,000, which was rejected and then discounted to \$15,000. Also O'Daniel clearly understood the price to have originated with either Roger Clinton or the intermediary rather than with Young. O'Daniel was certain on this point because, he said, Young told him that the intermediary had asked Roger whether he could "guarantee" that if Young paid the money that he would get the pardon.⁸⁷¹ Roger reportedly said "no," and then Young refused to pay.⁸⁷² In Young's account, no amount of money was ever discussed with anyone other than in speculation with his brother. Carey Young supports his brother's account, saying that he and his brother had conversations about whether they might have to pay Roger

⁸⁵⁹ Telephone Interview with Phillip Young (Apr. 26, 2001).

⁸⁶⁰ *Id.*

⁸⁶¹ *Id.*

⁸⁶² *Id.*

⁸⁶³ *Id.*

⁸⁶⁴ *Id.*

⁸⁶⁵ Telephone Interview with Gene O'Daniel, former Counsel for Phillip Young (Mar. 29, 2001).

⁸⁶⁶ Telephone Interview with Phillip Young (Apr. 26, 2001).

⁸⁶⁷ *Id.*

⁸⁶⁸ Telephone Interview with Carey Young (Apr. 30, 2001).

⁸⁶⁹ *Id.*

⁸⁷⁰ Telephone Interview with John Burkhalter (May 8, 2001).

⁸⁷¹ Telephone Interview with Gene O'Daniel, former Counsel for Phillip Young (Mar. 29, 2001).

⁸⁷² *Id.*

Clinton a “lobbying fee.”⁸⁷³ He said they did guess at some numbers but could not recall the numbers.⁸⁷⁴ However, Carey Young could not corroborate his brother’s version of the conversations with his attorney. When asked if his brother had ever discussed conversations with his lawyer, Young said he had not.⁸⁷⁵

O’Daniel’s understanding of what his client had said led him to report the matter to the Office of the Pardon Attorney. He said he felt an ethical obligation to inform the Justice Department and that he was also trying to protect his client.⁸⁷⁶ He didn’t want Young to get into more trouble or to have the application denied because of Roger Clinton.⁸⁷⁷ Sometime in January 2001, O’Daniel called Sam Morison in the Pardon Attorney’s Office and told him that there were people trying to sell pardons and were using Roger Clinton’s name.⁸⁷⁸ Morison replied that he was aware that people were trying to get around the Justice Department and go directly to the White House.⁸⁷⁹

Phillip Young did receive a pardon from President Clinton. There is no evidence, however, that Roger Clinton actually intervened in the Young case. Rather, Associate White House Counsel Meredith Cabe recalls that the Justice Department recommended denial of Young’s pardon request but that President Clinton granted it because it seemed like a minor offense.⁸⁸⁰

H. Joseph “Jay” McKernan

Joseph “Jay” McKernan was sentenced to three years imprisonment in July 1984 on charges of possession with intent to distribute four and a half pounds of cocaine.⁸⁸¹ While in prison, McKernan met and became friends with Roger Clinton.⁸⁸² McKernan served one year of his three-year sentence and was paroled.⁸⁸³ He had become such close friends with Clinton that, after being released, they continued to speak by phone on a weekly basis.⁸⁸⁴ McKernan even attended Clinton’s wedding.⁸⁸⁵

In 1995, McKernan received a Louisiana state pardon, and in 1998, petitioned for a federal pardon. McKernan argued that he deserved a pardon because he had turned his life around and his criminal record negatively impacted his ability to become a lawyer or own a firearm.

⁸⁷³ Telephone Interview with Carey Young (Apr. 30, 2001).

⁸⁷⁴ *Id.*

⁸⁷⁵ *Id.*

⁸⁷⁶ Telephone Interview with Gene O’Daniel, former Counsel for Phillip Young (Mar. 29, 2001).

⁸⁷⁷ *Id.*

⁸⁷⁸ *Id.*

⁸⁷⁹ *Id.*

⁸⁸⁰ Interview with Meredith Cabe, former Associate Counsel to the President, the White House (Mar. 16, 2001).

⁸⁸¹ Joseph “Jay” McKernan Document Production (Petition for Pardon, Jul. 10, 1998) (Exhibit 114).

⁸⁸² Telephone Interview with Joseph “Jay” McKernan (Apr. 10, 2001).

⁸⁸³ *Id.*

⁸⁸⁴ *Id.*

⁸⁸⁵ *Id.*

McKernan said he did not discuss his pardon application with Roger Clinton when he filed it. Later though, he did discuss it with Roger, and Roger said he would urge his brother to grant it. Although Clinton also told McKernan that he would “get Bill Clinton to look at it,” McKernan said he did not give Roger Clinton a copy of the petition.⁸⁸⁶ McKernan said he asked Roger Clinton about the application on a number of occasions, and Roger told him the pardon would likely be granted at the end of the administration.⁸⁸⁷ McKernan said that Roger never gave him any assurance that the pardon would be granted but said he thought that McKernan had “a good shot” because he was an “ideal candidate.”⁸⁸⁸ On initial inspection, it does appear that McKernan fit the profile that President Clinton had outlined to the White House Counsel’s Office for the type of cases that he most wanted to review for potential pardons: non-violent drug offenders “who had convictions from an abuse problem and who had kicked the habit and had been clean since then.”⁸⁸⁹ Yet despite his friendship with Roger Clinton and despite fitting the profile the President was interested in pardoning, McKernan’s petition was denied.

On the last day of the Clinton Administration, when the list of those pardoned was released to the media, McKernan learned that he did not receive a pardon.⁸⁹⁰ According to McKernan, he spoke to Roger Clinton twice that day about whether he had received a pardon.⁸⁹¹ Phone records confirm that Roger Clinton placed two calls to McKernan on January 20, 2001, each lasting 11 minutes.⁸⁹² The records also indicate that, in between these two contacts with McKernan, Clinton twice called former President Clinton’s number in Chappaqua, New York.⁸⁹³ The first call to McKernan occurred at 8:02 p.m.⁸⁹⁴ During this conversation, McKernan asked whether he had received a pardon.⁸⁹⁵ Roger said that “it doesn’t look good” but that he would check.⁸⁹⁶ Immediately after ending the call to McKernan, Roger Clinton called his brother’s number at 8:13 p.m. for two minutes. Roger later called Bill Clinton’s number again at 11:06 p.m. for one minute. At 11:07 p.m., Roger called McKernan for the second time.⁸⁹⁷ Roger told McKernan that McKernan’s pardon had been signed and that it was the only one among those Roger had requested that was granted.⁸⁹⁸ According to McKernan, Clinton said, “I don’t want to get your hopes up, but I was told that yours was signed.”⁸⁹⁹

The next business day, January 22, 2001, Richard Crane, McKernan’s lawyer, contacted Hope McGowan at the Pardon Attorney’s Office and told her what Roger had said.⁹⁰⁰ He asked if there could be some kind of clerical error or mistake that could have improperly kept

⁸⁸⁶ *Id.*

⁸⁸⁷ *Id.*

⁸⁸⁸ *Id.*

⁸⁸⁹ Interview with Meredith Cabe, former Associate Counsel to the President, the White House (Mar. 16, 2001).

⁸⁹⁰ Telephone Interview with Joseph “Jay” McKernan (Apr. 10, 2001).

⁸⁹¹ *Id.*

⁸⁹² Verizon Document Production (Roger Clinton Phone Bill, Feb. 1, 2001, at 9).

⁸⁹³ *Id.*

⁸⁹⁴ *Id.*

⁸⁹⁵ Telephone Interview with Joseph “Jay” McKernan (Apr. 10, 2001).

⁸⁹⁶ *Id.*

⁸⁹⁷ Verizon Document Production (Roger Clinton Phone Bill, Feb. 1, 2001, at 9).

⁸⁹⁸ Telephone Interview with Joseph “Jay” McKernan (Apr. 10, 2001).

⁸⁹⁹ *Id.*

⁹⁰⁰ *Id.*

McKernan's name off the public list of pardons issued by President Clinton.⁹⁰¹ McGowan told Crane that Meredith Cabe was the person handling pardons at the White House Counsel's Office and she would know for certain.⁹⁰² Crane said his sense was that McGowan "didn't care enough about the issue to even write it down," and therefore, he was surprised to see his contact written about in the newspapers.⁹⁰³ Contrary to what Roger Clinton had told McKernan, the President had not granted his clemency request. Because Roger Clinton refused to cooperate with the Committee's investigation, it is unclear why Roger Clinton believed that President Clinton had granted the McKernan pardon. There is strong circumstantial evidence, though, that the President himself told Roger that he had granted the McKernan pardon. It is unclear why the President would do this. The case of Mitchell Wood, as described below, offers one plausible theory.

I. Mitchell Wood

The Mitchell Wood story is the opposite of the Jay McKernan story. While McKernan's pardon was supposedly granted but never actually issued, Wood's pardon was issued unexpectedly. In December 1986, Mitchell Wood pled guilty and was sentenced to four months in prison on cocaine charges resulting from the investigation of Dan Lasater, David Collins, George Locke, and Roger Clinton.⁹⁰⁴ Wood was an employee of the Arkansas Industrial Development Commission who said he had obtained cocaine from Lasater, Collins, and Clinton, but never sold it.⁹⁰⁵ At his sentencing, Wood told the judge that he had already "overcome a cocaine habit about two and a half years ago. He also said he had nearly paid off heavy debts he incurred because of his habit and had returned to normal health."⁹⁰⁶ The sentencing judge said "he believed Wood 'has learned his lesson,' but said that 'some imprisonment' should be imposed 'if fairness all around is to be achieved.'"⁹⁰⁷

Wood informed the Committee that, after his imprisonment, he underwent a major lifestyle change. Impressed by this change, his friends, and even his probation officer, encouraged Wood to seek a pardon.⁹⁰⁸ Wood applied for a pardon through the Justice Department in December 1995 but was denied by President Clinton on December 28, 1998.⁹⁰⁹ It is unclear how or why the Wood case came to be considered a second time despite having already been rejected by the President once before. When interviewed by Committee staff, Meredith Cabe indicated that the Justice Department had recommended against granting clemency to Wood but that his "was the type of case the President would want to consider."⁹¹⁰ Cabe indicated that the President wanted to review the Wood case despite the Justice

⁹⁰¹ *Id.*

⁹⁰² *Id.*

⁹⁰³ *Id.*

⁹⁰⁴ George Wells, *More Sentenced in Lasater Case*, ARKANSAS DEMOCRAT-GAZETTE, Dec. 23, 1986.

⁹⁰⁵ *Id.*

⁹⁰⁶ *Id.*

⁹⁰⁷ *Id.*

⁹⁰⁸ Telephone Interview with Mitchell Wood (Apr. 4, 2001).

⁹⁰⁹ Fax from Dave Blake, Office of Legislative Affairs, Department of Justice, to James C. Wilson, Chief Counsel, Comm. on Govt. Reform 8 (Feb. 15, 2001) (within Appendix I).

⁹¹⁰ Interview with Meredith Cabe, Associate Counsel to the President, the White House (Mar. 16, 2001).

Department's negative recommendation.⁹¹¹ Cabe recalled that Wood's conviction was "at the same time as Roger Clinton's" but was apparently unaware that Wood had admitted to actually receiving cocaine from Clinton.⁹¹²

Wood stated that he never asked for help from Roger Clinton, Dan Lasater, or George Locke in obtaining the pardon.⁹¹³ Associate White House Counsel Meredith Cabe stated that she had no indication that Clinton had lobbied for Wood's pardon.⁹¹⁴ Likewise, none of the documents reviewed and none of the witnesses questioned in the Committee's investigation provide any indication that Roger Clinton lobbied for Mitchell Wood's pardon. Dan Lasater said he had not seen Mitchell Wood in 10 to 15 years.⁹¹⁵ According to George Locke, who described himself as a close friend of Wood's, he "thought that he had been denied and was surprised to hear the news that he had been pardoned."⁹¹⁶ Locke also said, however, that he had never discussed Wood's pardon request with Roger Clinton.⁹¹⁷ Wood himself was surprised and baffled that his petition was granted after having been previously denied. He said, "I have no earthly idea how it happened. I didn't know anybody. I'm just blessed[.]"⁹¹⁸

The McKernan and Wood cases present a decidedly odd coincidence. The cases are similar in that both men knew Roger Clinton around the time of his conviction and both were non-violent drug offenders. Yet, McKernan received an unexpected denial after being informed that the President had granted his petition, and Wood received an unexpected pardon after an initial denial. While no final conclusion can be drawn from this coincidence, it suggests a possibility that perhaps there was some miscommunication about the precise identity of Roger Clinton's old friend with the non-violent drug conviction. It is also possible that President Clinton granted a pardon to Mitchell Wood when, in fact, he intended to grant a pardon to Joseph McKernan. Without the complete cooperation of Roger Clinton and officials from the Clinton Administration, however, the truth about what exactly happened in these two cases remains in question.

J. Mark St. Pé

On January 2, 2001, Mark St. Pé's lawyer, Walter Wiggins, transmitted a letter to Roger Clinton addressed to him at the White House Usher's Office. The letter states:

As we have discussed previously, the case of Mark St. Pé is a sympathetic one for the reasons outlined exhaustively in the materials transmitted herewith for your immediate review and consideration. Please bring this case to the attention of your brother, Bill Clinton, the President of the United States. This is truly an

⁹¹¹ *Id.*

⁹¹² *Id.*

⁹¹³ Telephone Interview with Mitchell Wood (Apr. 4, 2001).

⁹¹⁴ Interview with Meredith Cabe, Associate Counsel to the President, the White House (Mar. 16, 2001).

⁹¹⁵ Telephone Interview with Dan Lasater (May 7, 2001).

⁹¹⁶ Telephone Interview with George Locke (Mar. 27, 2001).

⁹¹⁷ *Id.*

⁹¹⁸ Brian Blomquist, *Pardon Probe: Clinton Library Books will be Checked Out*, N.Y. POST, Feb. 10, 2001.

opportunity for you to have a direct impact in the cause of justice for Mr. St. Pé.⁹¹⁹

Wiggins told Committee staff he was both a “friend of a friend” of Mark St. Pé and a friend of Roger Clinton.⁹²⁰ According to Wiggins, however, Clinton and St. Pé did not know each other.⁹²¹ Wiggins said he submitted St. Pé’s clemency application to the Justice Department at the same time that he gave it to Roger Clinton, in January 2001.⁹²² In addition to the clemency application, Wiggins had been in contact with the U.S. Attorney in Little Rock in an attempt to reduce St. Pé’s sentence (St. Pé is from Louisiana but is currently imprisoned in Forrest City, Arkansas).⁹²³

Wiggins said he contacted Roger Clinton because he was exploring all possible avenues to obtain clemency for St. Pé.⁹²⁴ He said he turned to Roger as an obvious way of getting attention for the clemency petition.⁹²⁵ Wiggins had not heard that Roger was presenting other clemency petitions to the President but assumed that Roger would have been doing so.⁹²⁶ Wiggins said that there was absolutely no monetary inducement of any kind for Roger Clinton to help St. Pé and that Roger did whatever he did out of friendship with Wiggins.⁹²⁷ Wiggins agreed to cooperate with the Committee and offered to send a copy of St. Pé’s clemency petition to the Committee.⁹²⁸ Wiggins did not, however, actually send any documents despite several follow-up phone calls attempting to arrange for their production to the Committee.

Wiggins sent a copy of St. Pé’s commutation petition to Roger Clinton at the White House. While the Committee is unable to conclude definitively what happened in the St. Pé case, it appears that Roger Clinton provided materials on the St. Pé case to President Clinton. The National Archives produced to the Committee a copy of the envelope Wiggins used to send the St. Pé clemency petition to Roger Clinton at the White House.⁹²⁹ Under the address, in what appears to be the President’s handwriting, there is a note stating “To M Cabe.”⁹³⁰ This note, if it is indeed in the President’s handwriting, would indicate that Roger Clinton provided the St. Pé petition to President Clinton, who then provided it to Meredith Cabe for review. However, what happened after that point is unknown. It is unclear how seriously the St. Pé petition was considered. However, it was ultimately denied.

⁹¹⁹ NARA Document Production (Letter from Walter F. Wiggins, Jr., Counsel for Mark St. Pé, to Roger Clinton (Jan. 2, 2001)) (Exhibit 115).

⁹²⁰ Telephone Interview with Walter F. Wiggins, Jr., Attorney for Mark St. Pé (June 12, 2001).

⁹²¹ *Id.*

⁹²² *Id.*

⁹²³ *Id.*

⁹²⁴ *Id.*

⁹²⁵ *Id.*

⁹²⁶ *Id.*

⁹²⁷ *Id.*

⁹²⁸ *Id.*

⁹²⁹ NARA Document Production (Envelope from Walter Wiggins to Roger Clinton) (Exhibit 116).

⁹³⁰ *Id.*

K. William D. McCord

When Dan Lasater was convicted on cocaine distribution charges, his Little Rock bond company was taken over and renamed by William D. McCord.⁹³¹ George Locke, co-conspirator in the Lasater cocaine distribution ring, is McCord's father-in-law.⁹³² In 1995, McCord was convicted on federal gambling charges, pled guilty, and received probation.⁹³³ The National Archives produced to the Committee a handwritten cover page reading: "Meredith Cabe, William Doyne McCord, Petition for Pardon" in the midst of other Roger Clinton- and clemency-related documents from the files of the Clinton White House.⁹³⁴ However, the National Archives did not produce an actual petition for clemency. Because of its placement in the files, this cover page suggests that the consideration of McCord's petition had some relationship to Roger Clinton. Moreover, the Committee received an uncorroborated allegation that George Locke believed McCord had paid Roger Clinton \$10,000 in late 2000 or early 2001 in exchange for Clinton's help with his clemency petition. While Clinton's bank records do indicate several large cash deposits in that time frame, McCord denied that he paid Roger Clinton any money.⁹³⁵

McCord sent a petition to the Justice Department's Pardon Attorney in early 1999.⁹³⁶ He also sent one to the White House at some point but could not recall when or to whom he directed it.⁹³⁷ McCord completed and filed the forms himself with some informal help from his probation officer and a friend who is an attorney.⁹³⁸ McCord said he met Roger Clinton 25 years ago when he had a box next to Clinton's mother's at the Oaklawn Park race track.⁹³⁹ However, now they are merely casual acquaintances.⁹⁴⁰

When asked about his most recent contacts with Roger Clinton, McCord recalled that they had met by chance at a Hot Springs Golf Tournament sometime after McCord had filed his clemency petition.⁹⁴¹ Around the same time, McCord also had a drink with Clinton at a restaurant in Hot Springs.⁹⁴² He was uncertain, but McCord thought he may have discussed his pardon petition with Clinton briefly during one of these meetings.⁹⁴³ McCord said that he "may have" asked if Roger could help him but claimed that he could not remember Clinton's reply.⁹⁴⁴ He said Clinton "didn't offer any favors" and that he left with the impression that Clinton would not be assisting him.⁹⁴⁵ Asked explicitly whether he had paid anyone any money in connection

⁹³¹ Julian E. Barnes, *McCord Admits He Helped Run Gambling House*, ARKANSAS DEMOCRAT-GAZETTE, May 2, 1995.

⁹³² Telephone Interview with William D. McCord (Feb. 27, 2002).

⁹³³ *Id.*

⁹³⁴ NARA Document Production (McCord Petition Cover Page) (Exhibit 117).

⁹³⁵ Telephone Interview with William D. McCord (Feb. 27, 2002).

⁹³⁶ *Id.*

⁹³⁷ *Id.*

⁹³⁸ *Id.*

⁹³⁹ *Id.*

⁹⁴⁰ *Id.*

⁹⁴¹ *Id.*

⁹⁴² *Id.*

⁹⁴³ *Id.*

⁹⁴⁴ *Id.*

⁹⁴⁵ *Id.*

with seeking a pardon, McCord said, “no.”⁹⁴⁶ He also said that no one asked for money for anything else of value to help him obtain a pardon.⁹⁴⁷

McCord did admit to discussing his petition with George Locke, who was also seeking a pardon. McCord said Locke asked him for a copy of McCord’s application on more than one occasion, ostensibly so that Locke could use it to learn by comparison how to complete his own application.⁹⁴⁸ However, McCord maintained that he did not ask for help from Locke because he knew that, after his conviction, “Locke had lost all his contacts.”⁹⁴⁹

V. FAILURE OF KEY PARTIES TO COOPERATE IN THE ROGER CLINTON INVESTIGATION

A. Roger Clinton

Roger Clinton was at the center of a number of allegations investigated by the Committee. Early in the Committee’s investigation, Chairman Burton requested that Roger Clinton participate in an interview with Committee staff, but he declined.⁹⁵⁰ When Committee staff discussed with Clinton’s attorney, Bart Williams, the possibility that Clinton would be called to testify before the Committee, Williams stated that it was likely that Clinton would invoke his Fifth Amendment rights if called to testify. Despite his unwillingness to speak to Committee staff, Roger Clinton used his access to the media to deceive the public about matters the Committee was investigating by appearing on *Larry King Live* and making several false statements. Clinton did, however, comply with a number of document subpoenas served upon him by the Committee. However, Clinton’s refusal to provide testimony to the Committee voluntarily regarding his efforts to obtain pardons for his friends and associates has hampered the Committee’s investigation.

Moreover, on March 23, 2001, while the Committee was attempting to obtain the cooperation of Roger Clinton, he received a wire transfer of \$15,000 from a Citibank account entitled “E.C. 934(A) c/o Eric Hothem.”⁹⁵¹ Eric Hothem was an aide to First Lady Hillary Rodham Clinton. When contacted about this transfer, Hothem’s lawyer referred the Committee to the President’s lawyer, David Kendall.⁹⁵² The Chairman then sought from Mr. Kendall an explanation of the account and the transfer.⁹⁵³ According to Kendall’s reply: “The account is a personal Citibank account of former President and Senator Clinton. The transfer you inquire about was a loan by President Clinton to his brother so that he might retain counsel to represent

⁹⁴⁶ *Id.*

⁹⁴⁷ *Id.*

⁹⁴⁸ *Id.* Locke made a similar request for a copy of Dan Lasater’s petition as well. Telephone Interview with Dan Lasater (May 7, 2001).

⁹⁴⁹ Telephone Interview with William D. McCord (Feb. 27, 2002).

⁹⁵⁰ Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Roger C. Clinton (Mar. 13, 2001) (within Appendix I).

⁹⁵¹ Letter from Dan Burton, Chairman, Comm. on Govt. Reform, to David E. Kendall, Counsel for Bill and Hillary Clinton, Williams & Connolly, Attachment #1 (July 30, 2001) (within Appendix I).

⁹⁵² *Id.* at 1.

⁹⁵³ *Id.*

him in the Committee's and other investigations."⁹⁵⁴ It is unclear whether Roger Clinton has repaid or intends to repay the money.⁹⁵⁵ The payment occurred at the height of public outcry and investigative activity regarding the pardons and at a time when Roger Clinton was deciding whether to provide testimony to the Committee and to authorities in the Southern District of New York. The media also reported that Roger Clinton had fought bitterly with his brother about the denial of his clemency requests. It is unknown whether Roger Clinton's acceptance of \$15,000 for his legal fees from his brother made him any less likely to provide testimony adverse to his brother to the Committee or to law enforcement agencies.

B. Tommaso Gambino

When the Committee discovered that Tommaso Gambino had a financial relationship with Roger Clinton, and that Clinton had tried to obtain a commutation for his father, Rosario Gambino, the Committee attempted to interview Tommaso Gambino. Gambino refused to participate in an interview. Gambino did, however, comply with a document subpoena.

C. Lisa Gambino

Committee staff attempted to interview Lisa Gambino about her role in providing \$227,889 to Anna Gambino, funds which were used to provide at least \$50,000 to Roger Clinton. Ms. Gambino refused to respond to repeated requests for an interview.

D. Victoria Crawford and Kathy Vieth

Victoria Crawford is Roger Clinton's manager and bookkeeper. Because Crawford managed Clinton's money, and apparently his travel as well, the Committee attempted to interview Crawford. Crawford refused to participate in an interview. Then, the Committee issued subpoenas to Crawford and her company, Crawford Management.⁹⁵⁶ Upon receiving this subpoena, Crawford and her partner, Kathy Vieth, invoked their Fifth Amendment rights rather than comply with the Committee's subpoena.⁹⁵⁷

E. George Locke

After learning of George Locke's involvement in trying to obtain pardons through Roger Clinton, Committee staff interviewed Locke. Locke participated in an hour-long telephone interview on March 27, 2001. Locke also responded to a request for documents by informing the

⁹⁵⁴ Letter from David E. Kendall, Counsel for Bill and Hillary Clinton, Williams & Connolly, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (Aug. 20, 2001) (within Appendix I).

⁹⁵⁵ Records indicate that shortly after the wire transfer, Roger Clinton paid his attorney only \$10,000 as a retainer, not \$15,000. Bank of America Document Production (Exhibit 118).

⁹⁵⁶ Subpoena *duces tecum* to Victoria Crawford (Aug. 29, 2001) (within Appendix II); Subpoena *duces tecum* to Crawford Management (Aug. 29, 2001) (within Appendix II).

⁹⁵⁷ Letter from Bruce F. Black, Counsel for Vicki Crawford and Kathy Vieth, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (Sept. 6, 2001) (within Appendix I).

Committee that he had no responsive documents.⁹⁵⁸ However, after his interview with Committee staff, Locke retained a lawyer (the same lawyer representing Dickey Morton) and invoked his Fifth Amendment rights rather than cooperate further with the Committee.⁹⁵⁹

F. Dickey Morton

Shortly after interviewing George Locke, Committee staff attempted to interview Dickey Morton.⁹⁶⁰ Morton refused to participate in an interview and invoked his Fifth Amendment rights against self-incrimination.⁹⁶¹

G. Richard Cayce

When the Committee learned of Richard Cayce's central role in the Lincecum matter, Committee staff attempted to interview Cayce. However, Cayce's attorney, Jay Ethington, informed the Committee that Cayce would not participate in a voluntary interview and would assert his Fifth Amendment rights if subpoenaed to testify.⁹⁶² Cayce did provide the Committee with a proffer detailing his potential testimony if he were immunized.

H. J.T. Lundy

Committee staff attempted to interview J.T. Lundy regarding his efforts to obtain a pardon through Roger Clinton. Lundy is currently in federal prison, so Committee staff attempted to arrange an interview through Lundy's attorney, David McGee. Mr. McGee informed Committee staff, though, that Mr. Lundy would invoke his Fifth Amendment rights rather than cooperate with the Committee.

I. Robert Lundy

Committee staff also attempted to interview Robert Lundy, the son of J.T. Lundy. Robert Lundy was also involved in the effort to obtain a pardon for J.T. Lundy. However, David McGee, who also represented Robert Lundy, informed the Committee that Mr. Lundy would invoke his Fifth Amendment rights rather than cooperate with the Committee.

⁹⁵⁸ Letter from George Locke to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (received Apr. 9, 2001) (within Appendix I).

⁹⁵⁹ Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 3, 2001) (within Appendix I).

⁹⁶⁰ Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to Dickey Morton (Mar. 14, 2001) (within Appendix I).

⁹⁶¹ Letter from Mark F. Hampton, Counsel for Dickey Morton and George Locke, Hampton and Larkowski, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Apr. 3, 2001) (within Appendix I).

⁹⁶² Letter from Jay Ethington, Counsel for Richard Cayce, to David Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 1, 2001) (within Appendix I).

J. Chief Carl Griggs

As part of its investigation of Roger Clinton's efforts to obtain a commutation for Steven Griggs, the Committee attempted to interview Chief Carl Griggs, Steven Griggs' father. Chief Griggs' attorney, Gary Krupkin, initially indicated a willingness to allow the Chief to participate in an interview. However, when Committee staff attempted to schedule the interview, Krupkin expressed concern about allowing the Chief to participate in an interview while the criminal investigation of Roger Clinton was pending. Accordingly, Chief Griggs refused to participate in an interview with Committee staff.

K. Blume Loe and Cynthia Goosen

When the Committee learned of Blume Loe's request that Roger Clinton help him obtain a pardon, the Committee attempted to arrange an interview of Loe and his attorney, Cynthia Goosen.⁹⁶³ According to documents obtained from Roger Clinton, Goosen may have had contact with Roger Clinton about the Blume Loe pardon request. However, Goosen refused to participate in an interview with Committee staff, citing attorney-client privilege.⁹⁶⁴ Goosen made this claim despite the fact that much of the information sought by the Committee, for example, her contacts with Roger Clinton, would not be covered by the attorney-client privilege.⁹⁶⁵

L. Bruce Lindsey

Bruce Lindsey testified at a Committee hearing on March 1, 2001, regarding the Marc Rich pardon. After the hearing, the Committee discovered that Roger Clinton had lobbied for parole and executive clemency for Rosario Gambino. It appears that Roger Clinton had contacts with Lindsey on the parole matter and perhaps on the clemency request as well. Accordingly, the Committee asked Lindsey to participate in an interview with Committee staff regarding his role in the Gambino matter. Through his attorney, William Murphy, Lindsey informed the Committee that he would not participate in the requested interview.

M. Meredith Cabe

Meredith Cabe participated in a voluntary interview with Committee staff on March 16, 2001. However, after the interview, Committee staff learned of Roger Clinton's role in the Gambino matter. The evidence obtained by the Committee indicated that Cabe handled Gambino's clemency request at the White House. Therefore, Committee staff requested a new interview with Cabe. However, the Committee was informed by Cabe's attorney, William

⁹⁶³ Letter from David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform, to Cynthia S. Goosen, Cooper & Scully (May 14, 2001) (within Appendix I).

⁹⁶⁴ Letter from Cynthia S. Goosen, Cooper & Scully, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (May 22, 2001) (within Appendix I).

⁹⁶⁵ Letter from David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform, to Cynthia S. Goosen, Cooper & Scully (May 30, 2001) (within Appendix I).

Murphy, that Cabe would not participate in an interview with Committee staff regarding the Gambino matter.

N. Department of Justice

The Department of Justice initially provided the Committee with records regarding two investigative matters related to Roger Clinton: first, records relating to the FBI's investigation of the effort to force John Katopodis to hire Clinton; and second, records relating to the FBI's investigation of Roger Clinton's relationship with the Gambino family. However, after providing the Committee with hundreds of pages relating to the Gambino matter, including sensitive Parole Commission files and the summary of Roger Clinton's interview with the FBI, the Justice Department suddenly stopped producing Gambino records to the Committee. The only reason the Justice Department gave for its decision was concern that Congressional access to the records would jeopardize the Department's ongoing criminal investigation of Roger Clinton. However, the records sought by the Committee related to the 1999 and 2000 investigation of Clinton and Gambino which was reportedly closed in 2000, not the Southern District of New York's investigation, which was commenced in 2001. The refusal of the Justice Department to provide these records prevented the Committee from developing any true understanding of the reasons for the Department's failure to pursue a criminal charges against Roger Clinton.

O. The White House

Notwithstanding President Clinton's decision to refrain from invoking a privilege, the Bush Administration refused to provide the Committee with a number of key documents relating to the clemency process in the Clinton White House. As described previously, the only documents provided to the Committee regarding the consideration of clemency requests at the Clinton White House were produced by accident. Were it not for this inadvertent production, the Committee would not have had access to any documents at all from the Clinton White House related to the Gambino commutation effort. Despite the accidental production, the Bush Administration managed to withhold four additional Clinton White House records related to the Gambino commutation request.⁹⁶⁶ According to the National Archives, these four records contain internal White House deliberations regarding the Gambino matter.⁹⁶⁷ These records would potentially inform the Committee about how seriously the Gambino commutation was considered and why it was ultimately rejected. The Bush Administration's decision to withhold these records from the Committee is deeply troubling. In effect, it is keeping Congress and the American public from learning the full truth about the efforts of a major organized crime figure to obtain executive clemency through the paid efforts of President Clinton's brother.

⁹⁶⁶ See Letter from Gary M. Stern, General Counsel, National Archives and Records Administration, to David A. Kass, Deputy Chief Counsel, Comm. on Govt. Reform (Aug. 2, 2001) (within Appendix I).

⁹⁶⁷ *Id.*