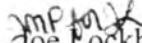


7-28-00

THE WHITE HOUSE
WASHINGTON

July 26, 2000

MEMORANDUM TO THE PRESIDENT

FROM:  Joe Lockhart and Stephanie Street 

RE: Recommended Interviews for July, August and September

100-9125-45,38

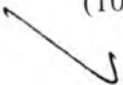
copied
Lockhart
Street
Podesta

For your consideration, following please find a number of interview opportunities we would recommend for you in the upcoming months.

JULY

Kelly Ring Interview with Fox 13 Tampa

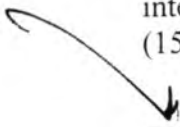
Kelly Ring is originally of Dardenelle, Arkansas, which is also the hometown of James Lee Witt. Witt has recommended that you schedule an interview with Kelly Ring during your trip to Tampa on July 31, and we are currently incorporating this interview into your schedule. The interview would cover the message of the day.
(10-minute briefing; 5-minute interview)

 ☒ YES ☐ NO

AUGUST

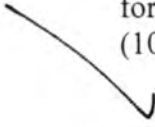
Washington Post Interview with John Harris

John Harris is working on a *Washington Post Magazine* profile on your last year. He has spoken with a number of former staff already, and we believe that it is important for the piece that he speak with you directly. His deadline is the first week in August, and we recommend this interview for August 1.
(15-minute briefing; 30-minute interview)

 ☒ YES ☐ NO

Jim Lehrer Interview on Presidential Debates

We know you have previously expressed an interest in granting an interview to Jim Lehrer, who is doing a documentary for PBS on the 1992 and 1996 Presidential debates. He has talked to all other participants (Bush, Dole, Perot, Gore, Quayle, Kemp, etc). We recommend this interview for August 8.
(10-minute briefing; 20-minute interview).

 ☒ YES ☐ NO

Time permitting in August, we are also interested in doing some less time-sensitive interviews. Following please find several recommendations for your consideration.

Rolling Stone Interview with Jann Wenner

Wenner is the publisher of Rolling Stone and would like to conduct an interview with you for the magazine's year-end issue. Because of Rolling Stone's deadline, this interview would need to be conducted by the end of August.

(15-minute briefing; 30-minute interview)

☒ YES ☐ NO

Geraldo Rivera Interview

As you know, Harry Thomasson has asked that we grant an interview to Geraldo on several occasions, and you have expressed an interest in granting his request.

(5-minute briefing; 20-minute interview)

☒ YES ☐ NO

Tom Friedman Golf Digest Interview

Tom Friedman, of the New York Times, would like to interview you as a part of a piece he is writing for Golf Digest. While we had previously discussed having Friedman conduct the interview over a game of golf, we are now proposing that we do this as an interview during the August recess. If need be, this interview could be conducted via telephone.

(5-minute briefing; 30-minute interview)

☒ YES ☐ NO

*(Or he could come play
w/ you at Martha's Vineyard)*

CBS Sunday Morning Interview on Mystery Writers

This interview has been scheduled several times in the past and is something you have indicated you would like to do.

(5-minute briefing; 10-minute interview)

☒ YES ☐ NO

Mara Liasson National Public Radio Interview

Mara has had a longstanding request to do an interview with you. We think it would be useful to tape an interview with her on our remaining Congressional agenda on August 31, to run on the Tuesday after Labor Day – the day Congress returns to Washington.

☒ YES ☐ NO

SEPTEMBER

Advocate Interview

As you know, The Advocate interview has been cancelled a couple of times and is something we would like to do before the fall. The piece would run in the October issue, and we recommend that we schedule the interview for September 15.
(20-minute briefing; 30-minute interview)

 ☒ YES ☐ NO

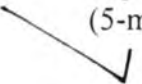
Wired Magazine Interview

Karen Breslau has had a long-standing request to do an interview with you on the role of technology in our society. We would recommend that you do this interview September 22.
(15-minute briefing; 30-minute interview)

 ☒ YES ☐ NO

National Geographic Interview on Air Force One

National Geographic has been working on a television documentary about Air Force One as the flying White House for the past several years. The last piece of this project is an interview with you aboard Air Force One, which we would like to schedule during your trip to California September 23-24. The piece will air after the election.
(5-minute briefing; 10-minute interview)

 ☒ YES ☐ NO

7-28-00

THE WHITE HOUSE

WASHINGTON

July 24, 2000

00 JUL 25 4:11 PM

MEMORANDUM FOR THE PRESIDENT

FROM: KAY CASSTEVENSON

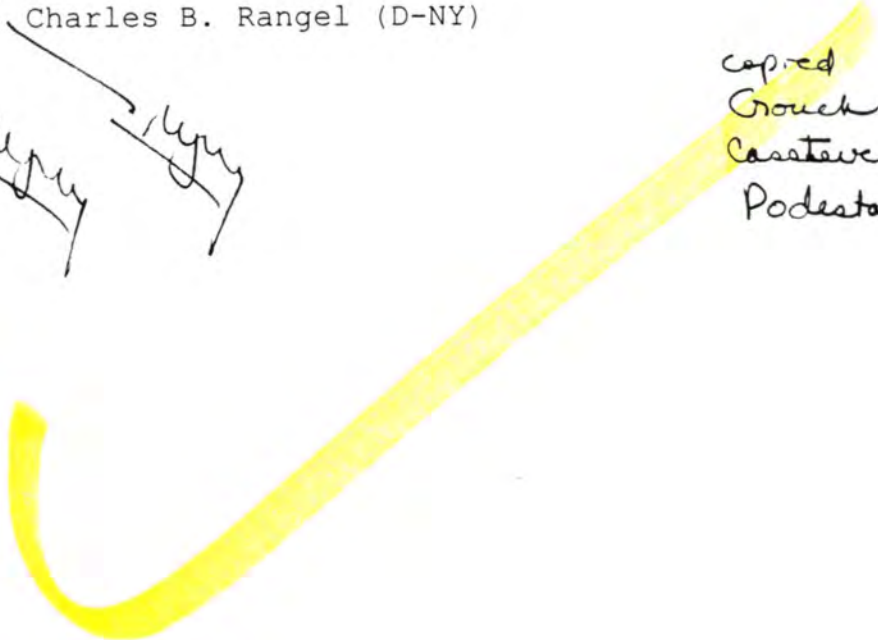
SUBJECT: CONGRESSIONAL CORRESPONDENCE

Attached for your review are letters from the following Members of Congress that I thought you would like to see.

- 1) Rep. Ron Klink (D-PA)
- 2) Rep. Charles B. Rangel (D-NY)

[Handwritten signatures]

*copied
Grouch
Casstevens
Podesta*





PAID FOR BY CITIZENS FOR RON KLING

Mr. President

Words cannot express my appreciation for the boost you have given my campaign. Even when we know the race is a statistical tie, the press hasn't given us a break. Your visit changed that.

The world now awaits the outcome of this "Camp David Summit." Good luck and with God's Grace may you achieve a lasting Peace!

Your friend

Ron

Paid for by Citizens for Ron Kling

13

CHARLES B. RANGEL

13th Congressional District
New York

Democrat - New York

WOMEN

WAYS AND MEANS

RANKING MEMBER

SUBCOMMITTEE ON TRADE

ST. COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

13th Congressional District

DC 20515-3215

202-225-4365

MS. JUAN E. JONES

202-225-4365

202-225-4365

202-225-4365

202-225-4365

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202-225-4365

July 12, 2000

President William Clinton
The White House
Washington, DC 20500

Dear President Clinton:

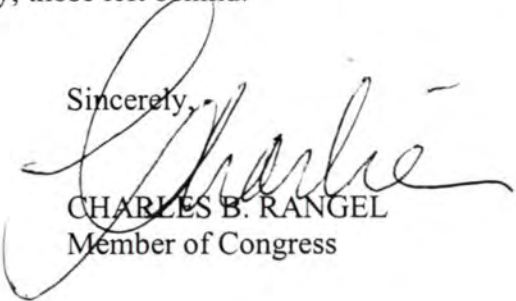
On behalf of the members of the 503d Field Artillery Battalion, my old unit, I want to thank you for your designation of the Presidential Mission to Commemorate the 50th Anniversary of the Korean War.

It was a very moving visit for the entire delegation, which was co-chaired by Secretary West. During our tour of the DMZ, harsh memories of the war were shared by all 13 members of the Battalion. But none were more emotionally charged than for the five veterans who had been held as prisoners of war.

One of the proudest moments for these men of the 503d was their visit to Camp Casey with the young men and women of the 2nd Infantry Division, their old unit. The veterans left Korea assured that the freedoms they fought for in 1950 are secure in the hands of these bright, dedicated soldiers.

I commend you, Mr. President, for remembering Korea, and for allowing us the privilege of paying the nation's respects to those who fought and, especially, those left behind.

Sincerely,


CHARLES B. RANGEL
Member of Congress

CBR/em

copied
Personal File
Burkhardt
(original for
reply)

Per. Fin - Reply

Dear Mr. President
by up yourself
over.

I am deeply
grateful for all your
many kindnesses.

You have proved
in so many ways
your belief in peace

THE PRESIDENT HAS BEEN

7-28-00

And you have given
it your all in the
middle East, Northern
Ireland and the Balkans.

You do have a
legacy and it's a great
one that others will have
a hard time emulating.
With my sincerest
best wishes and thanks.

Helen Thomas

July 13, 2000

DAN:
SHOULD
WE MOVE
THESE 2
TO CITIZENS
LIST?

(W)
7-28-00

Mr. Franco Di Domenico
Coordinating Editor
Spotlight Magazine
21 Howland Place
Long Branch, New Jersey 07740-2845

Dear Mr. Di Domenico:

John Podesta has referred to me your letter regarding your nomination for the Presidential Medal of Freedom. I have added the material you sent to your file. You may be assured that you remain on the list of those under consideration. On behalf of the President, thank you for your continued interest.

Sincerely,

Daniel W. Burkhardt
Deputy Assistant to the President
Director of Correspondence and
Presidential Messages

DWB/DB/DB/ddj-ddj-emu
dwbmofpf
(6.didomenica.doc)

(Corres. #7247526)

cc: ~~David Belsky, 58 EEOB~~
cc: Lisel Loy, GFL/WW

July 18, 2000

Ms. Amelia Parker
1224 Fourth Street, S.W.
Washington, D.C. 20024

Dear Ms. Parker:

On behalf of President Clinton, thank you very much for recommending Dr. Maya Angelou for the Presidential Medal of Freedom.

As you may know, the Presidential Medal of Freedom is the highest civilian award given in the nation. Your nomination puts Dr. Angelou in the distinguished company of others whose contributions have been brought to the attention of the President. You may be assured that your recommendation will be given careful consideration.

Sincerely,

Daniel W. Burkhardt
Deputy Assistant to the President
Director of Correspondence and
Presidential Messages

DWB/DB/DB/ddj-ddj (Corres. #7256650)
dwbmofpf
(7.parker.doc)

Lisel Loy, WW
cc: ~~David Belsky~~, 58 EEOB

THE WHITE HOUSE
WASHINGTON

Date 7-28-00

To: PODESTA, ECHAVESTE

From: The Staff Secretary

ANY COMMENT?

COUNSEL'S OFFICE ADVISES THAT

THEY INTEND TO SPEAK WITH

THE PRESIDENT RE: GARZA

SUNDAY NIGHT OR TUESDAY A.M.

WANTED HIM TO HAVE THIS

AS BACKGROUND REFOREHAND

-USEL

THE WHITE HOUSE

WASHINGTON

July 28, 2000

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN
BRUCE LINDSEY *BL*
MEREDITH CABE *MC*

SUBJECT: Death Penalty

I. Federal Death Row

Currently, there are 19 inmates on federal death row. Thirteen are black, 4 are white, 1 is Hispanic, and 1 is Asian. Five were Bush Administration prosecutions. The convictions occurred in the following states: Alabama, Arkansas, Colorado, Georgia, Illinois, Kansas, Missouri (2), Pennsylvania, Texas (6), and Virginia (4).

Three more individuals whose juries recommended the death penalty await formal sentencing. One is white, two are black/Hispanic. They were convicted in Arkansas and Missouri (2).

II. Department of Justice Statistical Survey

The Department of Justice has completed a survey of the racial/ethnic composition of defendants and their victims in death penalty-eligible cases that have been submitted by U.S. Attorneys to the Attorney General's capital case review committee.¹ The DOJ survey currently covers the 633 cases submitted between January 27, 1995 (when the review process was put into place) and February 14, 2000.² The DOJ survey therefore does not include data on pre-1995 federal cases;³ cases in which the federal government does not charge a defendant with a death-

¹ The survey covers cases in which a U.S. Attorney has charged a defendant with an offense that can carry the death penalty. Under the Department's death penalty protocol, U.S. Attorneys should submit to the Attorney General for review "all federal cases in which a defendant is charged with an offense subject to the death penalty," regardless of whether the U.S. Attorney intends to request authorization to seek the death penalty. Prior to 1995, U.S. Attorneys submitted cases only when they wished to seek the death penalty.

² Only 12 of the prisoners currently on death row were sentenced during the survey's reporting period. (A total of 15 defendants were sentenced to death during the reporting period, but 3 have since had their death sentences vacated.) Five were charged before the current review process was in place, and 2 were convicted after end of the study period.

³ DOJ is working to include pre-1995 data in the survey, so the final version should be more complete in its coverage.

eligible offense, either out of deference to a state prosecution or for another reason; or cases with a death-eligible charge in which the death penalty is foreclosed as part of a plea agreement.

The DOJ survey includes data at each stage of the Attorney General's review process: submission of a case to the Attorney General's review committee; review of the case and decision by the Attorney General whether to authorize the U.S. Attorney to seek the death penalty; and trial and sentencing. The DOJ survey also includes statistics on defendants broken down by the geographic districts of the U.S. Attorneys' offices that prosecuted the defendants.

In brief, the DOJ survey shows that, of the cases submitted, 19% of defendants were white, and 82% were minorities.⁴ The Attorney General authorized seeking the death penalty against 143 defendants, 29% of whom were white, and 71% of whom were minorities. Of the 143 defendants against whom the Attorney General authorized seeking the death penalty, 49 pleaded guilty prior to trial, and the death penalty authorization was withdrawn. Of those who pleaded guilty and avoided the death penalty, 43% were white, and 57% were minorities.⁵ With respect to geographic disparity, of the 633 total cases submitted to the Attorney General's review process, 267 (or 42%) came from just 5 of the 94 districts. Twenty-five districts did not submit any cases to the Attorney General during the survey period.

DOJ has noted that, while the statistics show the Attorney General's review process is not racially biased – the Attorney General authorized seeking the death penalty against a lower percentage of minority defendants than the percentage of minority defendants whose cases she reviewed – they are aware that many homicide cases are not submitted to the review process at all. And, despite the apparent fairness of the review process, the statistics on federal death row (although limited to 19 cases) do not compare favorably with state statistics. For example, only Maryland has a higher percentage of black prisoners on death row, and no state has as low a percentage of white prisoners on death row.

A brief summary of some of the DOJ survey's findings is attached, as well as a preliminary draft of the survey itself. Also attached is state-by-state information on the race of defendants on death row and a recent article from the *Chicago Tribune* about racial disparity in plea bargaining in the federal system.

III. Matters for Response/Further Study

The Department of Justice has identified questions about the role of race and geography that we currently lack sufficient information to answer.

- A. Why do five U.S. Attorneys' offices submit cases to the Attorney General at a much higher rate than the other 89 offices, including 25 offices that have not submitted any cases to the Attorney General since the protocol went into effect? A study might look at the pattern of submissions by the U.S. Attorneys' offices

⁴ Percentages may not total 100 because of rounding.

⁵ The statistics on pleas also show that 51% of all white defendants against whom the Attorney General authorized seeking the death penalty entered into plea agreements foreclosing the death penalty. By contrast, only 27% of black defendants against whom the death penalty was authorized pleaded guilty.

taking into consideration, among other things, the charging practices of nearby U.S. Attorneys' offices and state and local prosecutors.

- B. Why are some homicide cases that could carry death-eligible charges not submitted to the Attorney General's review process? Representative rural, suburban, and urban areas could be analyzed to determine the ways in which, and the reasons why, homicide cases are (1) directed to the state or federal system and (2) charged with either capital or non-capital offenses.
- C. Why is there a disparity between the racial makeup of those for whom the death penalty is authorized and those who plead guilty prior to trial as part of plea bargains under which the death penalty is foreclosed?⁶

IV. Who Should Perform Study

Further study could take two basic forms: either (1) a "blue-ribbon commission," like that appointed by Governor Ryan, or (2) the Attorney General could conduct further study. A commission could probably be created by Executive Order, but would require funding to operate. It also seems that it would take far longer for a commission to be created, appointed, funded, and to start its work, much less reach any meaningful conclusions.⁷ Given those considerations, we recommend that the Department of Justice execute a study, or studies, of these issues. In either case, DOJ has estimated that a study of these issues probably could not be completed in 6 months, and is more likely to take at least a year.

DECISION:

AGREE _____

DISAGREE _____

DISCUSS _____

⁶ DOJ is also evaluating steps it could take internally to begin to address some of the issues raised by the statistical survey. Among the options currently under consideration are: (1) directing the Criminal Division and the Attorney General's Advisory Committee of U.S. Attorneys to develop guidelines for deciding which homicide cases to prosecute in the federal system; (2) requiring U.S. Attorneys to submit all capital-eligible cases, regardless of whether the U.S. Attorney intends to charge a capital-eligible crime; (3) and, in cases in which the Attorney General has authorized seeking the death penalty, requiring U.S. Attorneys to seek the Attorney General's permission before entering into a plea bargain that forecloses the death penalty.

⁷ A DOJ study could also have a "commission" element; for example, at the Attorney General's direction, the director of the National Institute for Justice appointed a National Commission on the Future of DNA Evidence to carry out a study of DNA evidentiary issues, including post-conviction testing. That study was supported by a DOJ component but had the input of several "outside" commissioners.

SUMMARY: DOJ STATISTICAL SURVEY

- **During the survey period, United States Attorneys submitted for review to the Attorney General cases involving 633 defendants, with a recommendation either to seek or not to seek the death penalty. Of those 633:**
 - 19 percent (119) were white;
 - 48 percent (303) were black;
 - 29 percent (183) were Hispanic; and
 - 4 percent (28) were from other racial/ethnic groups.
- **Of the 633 submitted cases, the Attorney General reached a final decision with respect to 521 defendants as of the close of the survey period. Of those 521, the Attorney General authorized the United States Attorneys to seek the death penalty against 143 (27%) of the defendants and not to seek it against 378 (73%). Of the 378 defendants against whom the Attorney General did not authorize the death penalty:**
 - 16 percent (60) were white;
 - 49 percent (187) were black;
 - 31 percent (118) were Hispanic; and
 - 3 percent (13) were other.
- **Of the 143 against whom the Attorney General did authorize seeking the death penalty:**
 - 29 percent (41) were white;
 - 45 percent (64) were black;
 - 20 percent (28) were Hispanic; and
 - 7 percent (10) were other.
- **Of the 143 against whom the death penalty was authorized, 49 pleaded guilty prior to trial as part of plea bargain pursuant to which the death penalty authorization was withdrawn. Of those 49:**
 - 43 percent (21) were white;
 - 35 percent (17) were black;
 - 16 percent (8) were Hispanic; and
 - 6 percent (3) were other.
- **Of the remaining 94 against whom the death penalty was authorized, 53 had their trial pending and 41 had their trials completed as of the end of the survey period. Of those 41 defendants, 37 were convicted of a capital offense at the guilt/innocence stage of trial. Of those 37, 22 did not receive the death penalty. Of the remaining 15 who were sentenced to death:**
 - 20 percent (3) were white;
 - 73 percent (11) were black;

- 0 percent (0) were Hispanic; and
 - 7 percent (1) were other.
- **Two of the 15 defendants sentenced to death had their sentences vacated before the close of the survey period, leaving 13 with pending death sentences at the conclusion of the survey period. Additionally, 5 defendants who were charged before the current death penalty protocol took effect had pending death sentences at the conclusion of the survey period. Of the 18 total defendants with pending death sentences at the conclusion of the survey period:**
 - 22 percent (4) were white;
 - 67 percent (12) were black;
 - 6 percent (1) were Hispanic; and
 - 6 percent (1) were other.
 - **With respect to victims, of the 514 defendants charged in cases with identified victims, 373 (73%) were the same race/ethnicity as all the victims associated with their capital charges:**
 - When both the defendant and all victims were white (80 defendants), the death penalty was authorized for 45 percent (36) of the defendants;
 - When both the defendant and all victims were black (171 defendants), the death penalty was authorized for 20 percent (35) of defendants;
 - When both the defendant and all victims were Hispanic (108 defendants), the death penalty was authorized for 20 percent (22) of defendants.
 - **Of the 514 defendants charged in cases with identified victims, 141 (27%) were of a different race/ethnicity than at least one victim associated with their capital charges:**
 - When the defendant was white and at least one victim was not white (15 defendants), the death penalty was authorized for 33 percent (5) of defendants;
 - When the defendant was black and at least one victim was not black (78 defendants), the death penalty was authorized for 37 percent (29) of defendants;
 - When the defendant was Hispanic and at least one victim was not Hispanic (37 defendants), the death penalty was authorized for 16 percent (6) of defendants.
 - **With respect to geographic rates, of the 633 submissions by United States Attorneys to the Attorney General (with a recommendation for or against the death penalty), 267 submissions (42 percent) came from the following 5 Districts:**
 - 11 percent (67) were from the District of Puerto Rico (San Juan);
 - 10 percent (62) were from the Eastern District of Virginia (Alexandria);
 - 8 percent (51) were from the Eastern District of New York (Brooklyn);
 - 7 percent (47) were from the Southern District of New York (Manhattan);
 - 6 percent (40) were from the District of Maryland (Baltimore).

- The remaining 366 submissions (58 percent) came from 64 other Districts, none of which submitted more than 17 cases. 25 Districts did not submit any cases to the Attorney General during the survey period.

Death Row USA

Death Row Statistics As of April 1, 2000

TOTAL NUMBER OF DEATH ROW INMATES KNOWN TO LDF: 3,670

Race of Defendant:

White	1,698	(46.27%)
Black	1,574	(42.89%)
Latino/Latina	321	(8.75%)
Native American	46	(1.25%)
Asian	31	(.84%)
Unknown at this issue	0	(.0%)

Gender:

Male	3,615	(98.50%)
Female	55	(1.50%)

Juveniles:

Males	69	(1.88%)
-------	----	---------

JURISDICTIONS WITH CAPITAL PUNISHMENT STATUTES: 40
(Underlined jurisdiction has statute but no sentences imposed)

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, U.S. Government, U.S. Military.

JURISDICTIONS WITHOUT CAPITAL PUNISHMENT STATUTES: 13

Alaska, District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, Wisconsin.

Additional Information:

Death Row USA

Summary of State Lists of Prisoners on Death Row As of April 1, 2000

State	Total	Black		White		Latino/a		Native American		Asian		Unknown	
AL	185	86	46%	97	52%	1	.5%	0	---	1	.5%	0	---
AZ	118	14	12%	82	69%	19	16%	3	3%	0	---	0	---
AR	41	24	59%	16	39%	1	2%	0	N	0	N	0	---
CA	568	207	36%	229	40%	106	19%	14	2%	12	2%	0	---
CO	6	2	33%	2	33%	2	33%	0	N	0	N	0	---
CT	7	3	43%	4	57%	0	---	0	N	0	N	0	---
DE	18	10	56%	8	44%	0	---	0	N	0	N	0	---
FL	391	139	36%	213	54%	36	9%	1	.3%	2	.5%	0	---
GA	137	64	47%	70	51%	2	1%	0	N	1	.7%	0	---
ID	21	0	N	21	100%	0	---	0	N	0	N	0	---
IL	167	106	63%	53	32%	8	5%	0	N	0	N	0	---
IN	43	14	33%	28	65%	1	2%	0	N	0	N	0	---
KS	4	0	N	4	100%	0	N	0	N	0	N	0	---
KY	41	8	20%	33	80%	0	N	0	N	0	N	0	---
LA	90	61	68%	26	29%	2	2%	0	N	1	1%	0	---
MD	18	13	72%	5	28%	0	N	0	N	0	N	0	---
MS	63	34	54%	29	46%	0	N	0	N	0	N	0	---
MO	82	37	45%	45	55%	0	N	0	N	0	N	0	---
MT	6	0	N	6	100%	0	N	0	N	0	N	0	---
NE	9	0	---	8	89%	0	N	1	11%	0	N	0	---
NV	89	35	39%	45	51%	8	9%	0	N	1	1%	0	---
NJ	16	7	44%	9	56%	0	N	0	N	0	N	0	---
NM	5	0	N	4	80%	1	20%	0	N	0	N	0	---
NY	5	1	20%	3	60%	1	20%	0	N	0	N	0	---
NC	228	127	56%	87	38%	2	.9%	11	5%	1	.4%	0	---
OH	200	98	49%	98	49%	2	1%	2	1%	0	N	0	---

OK	145	49	34%	79	54%	4	3%	11	8%	2	1%	0	---
OR	27	1	4%	23	85%	2	7%	1	4%	0	N	0	---
PA	232	146	63%	70	30%	14	6%	0	N	2	.9%	0	---
SC	70	35	50%	35	50%	0	---	0	---	0	---	0	---
SD	3	0	---	3	100%	0	---	0	---	0	---	0	---
TN	100	34	34%	60	60%	2	2%	2	2%	2	2%	0	---
TX	460	188	41%	166	36%	103	22%	0	---	3	.7%	0	---
UT	11	2	18%	6	55%	2	18%	1	9%	0	---	0	---
VA	28	11	39%	16	57%	1	4%	0	---	0	---	0	---
WA	16	3	19%	12	75%	0	---	0	---	1	6%	0	---
WY	2	0	---	2	100%	0	---	0	---	0	---	0	---
US Gov.	20	14	70%	4	20%	1	5%	0	---	1	5%	0	---
Military	7	5	71%	1	14%	0	---	0	---	1	14%	0	---
TOTAL	3679	1578	43%	1702	46%	321	9%	47	1%	31	.8%	0	---

Note: 8 prisoners were sentenced to death in more than one state, 1 of them in 3 states. They are included in the chart above for each state in which they were sentenced to death, but the total number of prisoners under sentence of death is 3670.

Additional Information:

Death Row Statistics

In the United States Supreme Court - October Term 1999

(Significant Criminal, Habeas, & Other Pending Cases)

Execution Update

(total executions by year, gender, race, and defendant-victim racial combinations)

Execution Breakdown by State

State Lists of Prisoners on Death Row

Back to Death Row USA Home

Back to DPIC Homepage

lexis.com

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 Terms: (chicago/2 tribune) and dorning and ("July 24, 2000") (Edit Search)

Chicago Tribune, July 24, 2000

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 Chicago Tribune

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July 24, 2000 Monday, CHICAGO SPORTS FINAL EDITION

SECTION: News; Pg. 1; ZONE: N

LENGTH: 1457 words

HEADLINE: FEDERAL DEATH SENTENCES SHOW RACE GAP;
 MORE PLEA DEALS FOR WHITE SUSPECTS

BYLINE: By Mike Dorning, Washington Bureau.

DATELINE: WASHINGTON

BODY:

White defendants are more likely than black defendants to work out plea bargains saving them from the death penalty in federal cases, according to an analysis of 146 cases prosecuted since Congress reinstated federal capital punishment in 1988.

An analysis of data collected by a private group that works with defense lawyers in federal cases comes as the Justice Department is in the midst of its own study of geographic and racial differences in the imposition of the death penalty.

Among federal cases in which the Justice Department decided to pursue the death penalty and that reached a courtroom on the issue, 60 percent of white defendants have avoided capital punishment through a negotiated settlement. Typically, those plea bargains result in either life sentences or long prison terms but spare the life of the defendant.

By contrast, 41 percent of black defendants in those cases have reached such an agreement with prosecutors, according to an analysis of data collected by the Federal Death Penalty Resource Counsel Project, which tracks federal capital cases for federal public defender organizations.

Questions about the role of race in the imposition of the death penalty have been an enduring source of controversy, with many civil rights leaders and members of the African-American community expressing suspicions that subtle influences or outright discrimination lead the justice system to place a lower value on the lives of black defendants and victims. Surveys also consistently show much lower levels of support for the death penalty among blacks than within other racial groups.

President Clinton signed a major expansion of the federal death penalty in 1994, and his administration has overseen prosecution of most of the capital cases brought since the federal death penalty was reinstated in 1988.

But last month Clinton voiced his concern at a White House news conference over "the disturbing racial composition" of the federal prison system's Death Row.

Of the 21 federal inmates awaiting execution, 13 are black, according to the Federal Death Penalty Resource Counsel Project. Four are white, among them Timothy McVeigh, who was convicted of carrying out the Oklahoma City bombing.

This month, Clinton ordered the postponement of the first federal execution in 40 years, scheduled for Aug. 5, until the Justice Department could establish clemency procedures and complete a review of racial and geographic disparities in death penalty cases.

Atty. Gen. Janet Reno said last week she expects the Justice Department review soon.

The racial difference in plea bargains already has been identified by Justice Department officials conducting the review of federal capital cases and has raised concerns among at least some of them, according to one official familiar with their work.

The statistical disparity alone does not necessarily demonstrate racial bias by federal prosecutors. And prosecutors' decisions on plea bargain offers involve weighing a complex series of factors.

"Plea bargain numbers alone can be misleading," said Justice Department spokesman Myron Marlin. "They do not show how often pleas are offered or the rates at which they were rejected or accepted. ... One cannot tell the severity of the offense involved, the strength of the case or considerations affected by judicial rulings during the course of the trial."

Marlin said he could not provide information on plea-bargain offers in capital cases, explaining that the department's central record-keeping system does not track plea offers that are made but not accepted.

Still, said David Baldus, a University of Iowa law professor who has studied race and the death penalty, "This raises a red flag. ... The sample on the plea agreements isn't so small at all, and the magnitude of the disparity is very strong."

The pattern of plea bargaining provides a statistical window--despite the imperfections that cloud it--into how local federal prosecutors use their discretion.

The same federal prosecutors make judgments that are even more crucial as they choose which crimes to prosecute as federal capital cases and which to charge as lesser offenses or leave to state prosecutors. But those decisions are difficult to track through data available to the public.

The discretion of the 93 separate regional U.S. attorneys' offices remains a key factor in capital prosecutions despite an extensive centralized review system Reno established in January 1995.

Before the federal government asks for the death penalty, all prosecutions under death-eligible statutes must be reviewed personally by the attorney general and screened by a Justice Department committee. The evaluation is "consciously race-blind," said a former member of the review panel, and the case file is purged of racially identifying information before the panel considers it. Defense lawyers also are allowed to make a presentation to the panel before it makes a recommendation to the attorney general.

Prosecutors are authorized by the Justice Department to seek the death penalty in only about one-third of the death-eligible cases considered through the review process, but the Justice Department decision generally ratifies the original recommendation of the local U.S. attorney's office, which is familiar with the details of the case, including the race of the defendant and victim. A Justice Department official said the review committee departs from the recommendation of the local prosecutor in "fewer than 1 in 10 cases."

Rory Little, a former member of the review panel who is now a professor at the University of California's Hastings Law School in San Francisco, described prosecutors' heavy influence on the outcome in a detailed description of the evaluation process published in a law review article last year.

The prosecutors and review committee are supposed to make their decisions on seeking the death penalty based on specified aggravating and mitigating factors.

But, Little said, "What I saw at the department was that some aggressive prosecutors with talented writing skills could transform virtually any killing for which federal jurisdiction existed into a potential death penalty case. Yet other prosecutors would not even submit the same case for review, perhaps out of conscious antipathy for the death penalty but more likely because it simply would not occur to them that the case should be considered death-eligible," Little wrote in the Fordham Urban Journal.

Little noted the attempts to maintain uniform standards for imposing the federal death penalty were still highly vulnerable to the attitudes prevailing among prosecutors. Prosecutors' views--including "unconscious racial empathy"--were especially likely to intrude in their decisions on selecting cases to recommend for the death penalty and on striking plea bargains after cases had been authorized, he concluded.

Local U.S. attorneys' offices may plea bargain cases, including death penalty prosecutions, at their own discretion. They need only notify the Justice Department of their reasoning after the fact.

Of the death penalty cases that have been resolved in a courtroom, 24 of the 40 cases against white defendants (or 60 percent) have been settled with a plea bargain that calls for a sentence of less than death; 31 of 75 capital cases involving black defendants (or 41 percent) have been plea-bargained, according to the Federal Death Penalty Resource Counsel Project.

Among Hispanic defendants, 13 of 23 capital cases (or 57 percent) have been plea-bargained. Among Asian defendants, 4 of 8 capital cases (or 50 percent) have been plea-bargained, according to the project.

The statistics do not include cases in which a federal death penalty prosecution has been authorized but which still are awaiting a first trial. Nor do they include cases in which a defendant died in custody while awaiting a first trial.

Also, the numbers do not include cases in which the Justice Department has unilaterally withdrawn its authorization for a death penalty request after initially approving a capital prosecution.

Kevin McNally, a lawyer with the Federal Death Penalty Resource Counsel Project, said that when the Justice Department withdraws its authorization it typically is because new evidence becomes available or there is change in the circumstances of the case. Generally, the withdrawals are initiated by requests from defense lawyers in the cases, he said.

The Federal Death Penalty Resource Counsel Project is funded by the federal public defender service and tracks federal capital cases through public defenders, a network of private lawyers involved in capital cases, media accounts and public data from the Justice Department.

GRAPHIC: GRAPHICGRAPHIC (color): Racial disparity on federal Death Row.; Sources: Federal Death Penalty Resources Counsel, Death Penalty Information Center.; **Chicago Tribune.**; - See microfilm for complete graphic.

LANGUAGE: ENGLISH

LOAD-DATE: July 24, 2000

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APPENDIX

1. STATE CAPITAL DEFENDANTS BY RACE/ETHNICITY:

- According to the Department of Justice's Bureau of Justice Statistics (BJS), there were 3,433 defendants with pending death sentences in the state court systems at the end of 1998. These death row defendants were 55 percent white, 43 percent black, and 2 percent other — for a total of 100%. In these statistics, BJS does not report Hispanics separately from the white, black, and other categories. BJS reports that approximately 10 percent of all state death row defendants at the end of 1998 were believed to be of Hispanic origin.¹
- According to information from the United States Supreme Court, 20 states executed a total of 98 prisoners (all male) in 1999. The racial/ethnic composition of those executed was: 51 percent (50) white, 34 percent (33) black, 7 percent (7) Hispanic, 2 percent (2) Asian, 5 percent (5) Native American, and 1 percent (1) unknown.

2. HOMICIDE OFFENDERS AND VICTIMS BY RACE:

The data discussed above concern those individuals sentenced and put to death in the state court systems. Separately, BJS reports statistical information about the much larger pool of offenders nationwide who commit homicides, capital-eligible and otherwise. These offenders may be prosecuted in the federal system, the state systems, or not at all. BJS also reports statistical information about homicide victims.

- Based on BJS national estimates from 1995 through 1998, 45 percent of homicide offenders were white, 53 percent were black, and 3 percent were other.
- For the same time period, 49 percent of homicide victims were white, 47 percent were black, and 2 percent were other.
- For the same time period, 52 percent of homicides involved only one offender and one victim. Most often, the homicide offender and victim were of the same race. 94 percent of black homicide victims were killed by a black assailant, and 87 percent of white victims were killed by a white assailant.

¹BJS does not collect information about the racial/ethnic composition of state defendants who were charged with capital-eligible offenses but not ultimately sentenced to death.

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**STATISTICAL SURVEY OF THE
APPLICATION OF THE FEDERAL DEATH PENALTY
FROM JANUARY 27, 1995 TO FEBRUARY 14, 2000**

U.S. Department of Justice

Washington, D.C.

July __, 2000

BACKGROUND:

This statistical survey summarizes the racial/ethnic composition of defendants and victims in capital-eligible cases that were submitted by United States Attorneys to the Attorney General for review between January 27, 1995 (when the current Department of Justice death penalty protocol became effective) and February 14, 2000. In all, the United States Attorneys submitted 633 capital-eligible defendants for Attorney General review during the reporting period. Thirteen of these defendants had pending death sentences at the conclusion of the reporting period.¹ This survey includes data on defendants at each stage of the Attorney General review process, as of the close of the reporting period. The statistics on defendant race/ethnicity are also broken down by the geographic districts of the United States Attorneys who charged the defendants, and by the statutory charges.²

On January 27, 1995, Attorney General Janet Reno revised the policies and procedures that pertain to federal capital-eligible cases. Since that time, the Department's death penalty protocol has applied to "all Federal cases in which a defendant is charged with an offense subject to the death penalty, regardless of whether the United States Attorney intends to request authorization to seek the death penalty."³ Thus, the 633 submissions by the United States Attorneys include those in which they recommended the death penalty and those in which they did not.

¹Fifteen defendants were sentenced to death during the reporting period, but 2 of them had their sentences vacated on appeal and their cases remanded for re-sentencing in 1999. The death sentence of 1 of the remaining 13 defendants was vacated after the close of the reporting period. The death row statistics in this survey do not account for 5 defendants who have pending death sentences but were charged before the current death penalty protocol took effect; furthermore, the statistics do not account for 2 defendants who were convicted and sentenced to death after the close of the reporting period. As of June __, 2000, there are 19 defendants with pending federal death sentences; 2 more defendants await sentencing in a federal case in which the jury has recommended the death sentence.

²For the sake of comparison, an appendix to the survey summarizes recent statistics on race/ethnicity of persons sentenced and put to death in state systems and the race of homicide offenders and victims nationwide.

³Prior to 1995, the United States Attorneys were only required to submit to the Attorney General for review cases in which they wished to seek the death penalty.

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Three categories of capital-eligible defendants fall outside the protocol and therefore need not be submitted by the United States Attorneys to the Attorney General for review: (1) cases in which a United States Attorney defers to a state prosecution; (2) cases in which a United States Attorney concludes a plea agreement prior to submitting the case to the Attorney General; and (3) cases in which a United States Attorney exercises his or her prosecutorial discretion not to charge a capital-eligible offense. Because there is no uniform data collection process in place throughout the offices of the United States Attorneys, defendants in cases falling in these three categories are not covered by this statistical survey.

By statute, each defendant in the federal system who is charged with a capital-eligible [capital?] offense is entitled to two attorneys, one of whom must be learned in capital litigation. These defense counsel are afforded the opportunity to make a written and oral presentation to the United States Attorney as to why the death penalty should not be sought. Thereafter, they are also afforded an opportunity to make a written and oral presentation to the Attorney General's Review Committee on Capital Cases in Washington, D.C. The Attorney General is responsible — after receiving recommendations from the United States Attorney and the Review Committee — with making the ultimate decision whether the death penalty should be sought against the defendant.⁴

Percentages in this survey may not add up to 100 because of rounding. Many of the percentages are based on very small subsets of individuals; especially in such cases, the reader should exercise caution in drawing conclusions about the overall application of the death penalty in the federal system. Finally, the Criminal Division's system of data compilation, upon which the survey relies, accounts for individuals of Hispanic descent as a separate category from white, black, and other defendants.

⁴Information on the race/ethnicity of defendants and victims is not included in the individual case materials that the United States Attorneys submit to the Attorney General for review.

1. CROSS-SECTION BY RACE/ETHNICITY OF DEFENDANTS IN THE DEATH PENALTY REVIEW PROCESS:

The table on page 5 presents cross-section “snapshots,” by race/ethnicity, of the defendants submitted by the United States Attorneys to the Attorney General for review pursuant to the death penalty protocol as they moved through the review process during the reporting period. A summary of the findings follows:

- **633 defendants facing capital-eligible charges were submitted by the United States Attorneys to the Attorney General for review. Of these:**
 - 19 percent (119) were white;
 - 48 percent (303) were black;
 - 29 percent (183) were Hispanic; and
 - 4 percent (28) were from “other” racial/ethnic groups.⁵
- **Of the 633 defendants submitted, 44 (7%) were pending Attorney General review at the end of the reporting period, while 55 (9%) had pleaded guilty prior to review. Of the remaining 534 (84%) who were reviewed by the Attorney General:**
 - 19 percent (104) were white;
 - 48 percent (256) were black;
 - 28 percent (150) were Hispanic; and
 - 4 percent (24) were other.
- **Of the 534 defendants reviewed by the Attorney General, decisions on whether or not to seek the death penalty were deferred for 13 — 10 defendants who were fugitives and 3 who were subject to pending state prosecution. For the remaining 521 defendants reviewed by the Attorney General, the Attorney General authorized United States Attorneys to seek the death penalty against 143 (27%) and not to seek it against 378 (73%).**
- **Of the 378 defendants against whom the Attorney General did not authorize seeking the death penalty:**
 - 16 percent (60) were white;
 - 49 percent (187) were black;
 - 31 percent (118) were Hispanic; and
 - 3 percent (13) were other.

⁵“Other” includes defendants of other racial/ethnic backgrounds, such as Asian, Pacific Islander, American Indian, and Alaskan Native.

- Of the 143 against whom the Attorney General authorized seeking the death penalty:
 - 29 percent (41) were white;
 - 45 percent (64) were black;
 - 20 percent (28) were Hispanic; and
 - 7 percent (10) were other.
- Of the 143 against whom the Attorney General authorized seeking the death penalty, 49 pleaded guilty prior to trial as part of plea bargain pursuant to which the death penalty authorization was withdrawn. Of those 49:
 - 43 percent (21) were white;
 - 35 percent (17) were black;
 - 16 percent (8) were Hispanic; and
 - 6 percent (3) were other.
- Of the remaining 94 against whom the Attorney General authorized the death penalty, 53 had their trials pending and 41 had their trials completed as of the end of the reporting period. Of those 41 defendants, 37 were convicted of a capital offense at the guilt/innocence stage of trial. Of those 37, 22 did not receive the death penalty. Of the remaining 15 who were sentenced to death:
 - 20 percent (3) were white;
 - 73 percent (11) were black;
 - 0 percent (0) were Hispanic; and
 - 7 percent (1) were other.

**NUMBER AND PERCENT OF DEFENDANTS BY RACE/ETHNICITY AND STAGE IN DEATH PENALTY (DP) PROCESS
FOR POST-PROTOCOL SUBMISSIONS
(JANUARY 27, 1995 - FEBRUARY 14, 2000)**

STAGE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		#	%	#	%	#	%	#	%
POST-PROTOCOL SUBMISSIONS	633	119	19%	301	48%	183	29%	128	20%
Pending AG Review	44	7	16%	25	57%	10	23%	2	5%
Plea Before AG Review	55	8	15%	22	40%	23	42%	2	4%
REVIEWED BY AG*	594	110	19%	256	43%	150	25%	124	21%
Decision Deferred by AG*	13	3	23%	5	38%	4	31%	1	8%
NOT Authorized by AG to Seek	378	60	16%	187	49%	118	31%	13	3%
AUTHORIZED BY AG TO SEEK	148	41	29%	64	45%	28	20%	10	7%
Authorization Withdrawn (Plea)	49	21	43%	17	35%	8	16%	3	6%
Pending Trial or Completion of Trial	53	9	17%	23	43%	17	32%	4	8%
TRIAL COMPLETED	141	41	27%	24	19%	8	7%	3	7%
Not Convicted of Capital Charge	4	0	0%	1	25%	3	75%	0	0%
CONVICTED OF CAPITAL CHARGE	137	41	30%	23	17%	0	0%	1	1%
DP Not Imposed	22	8	36%	12	55%	0	0%	2	9%
DP IMPOSED BY COURT**	15	3	20%	11	73%	0	0%	1	7%
Appeals/Reviews Pending	15	3	20%	11	73%	0	0%	1	7%
Executed	0	0	0%	0	0%	0	0%	0	0%

* The decision was deferred for 10 defendants who are fugitives and for 3 pending state prosecutions.

**The sentences for two of these individuals were vacated during the report period by the appellate courts and they were remanded for resentencing, which had not occurred by the end of the period. The number 15 does not include 5 defendants (1 white, 3 black, and 1 Hispanic) sentenced to death who were submitted pre-Protocol and still have pending appeals/reviews.

2. PROGRESSION OF DEFENDANTS THROUGH THE DEATH PENALTY REVIEW PROCESS

The flow charts on pages 9 through 13 summarize the progression of decisions made during the reporting period, first for all 633 defendants submitted pursuant to the protocol, and then for white, black, Hispanic, and other defendants, respectively. A summary of findings is presented below:

Overall

- **633 defendants facing capital-eligible charges were submitted by the United States Attorneys to the Attorney General for review. Of these:**
 - 7 percent (44) were pending Attorney General review at the end of the reporting period;
 - 9 percent (55) pleaded guilty prior to review; and
 - 84 percent (534) were reviewed by the Attorney General.
- **Of the 534 defendants reviewed by the Attorney General, the Attorney General did not authorize seeking the death penalty against 378 (71%) and deferred a decision with respect to 13 (2%). Of the 143 defendants against whom the Attorney General authorized seeking the death penalty:**
 - 37 percent (53) awaited trials or their trials were in progress at the end of the reporting period;
 - 34 percent (49) pleaded guilty and were not sentenced to death; and
 - 29 percent (41) had completed trials.
- **Of the 41 defendants whose trials were completed:**
 - 10 percent (4) were not convicted of a capital offense⁶; and
 - 90 percent (37) were convicted of a capital offense.
- **Of the 37 defendants convicted of a capital offense:**
 - 59 percent (22) were not sentenced to death during the reporting period (8 of whom were white, 12 black, none Hispanic, and 2 other); and
 - 41 percent (15) were sentenced to death during the reporting period (3 of whom were white, 11 black, none Hispanic, and 1 other). Two of the 15 defendants sentenced to death, both black, had their death sentences vacated and their cases remanded for re-sentencing before the conclusion of the reporting period.

⁶This occurred for one or more of the following reasons: the defendant was convicted of a lesser offense or otherwise acquitted of the capital charge; the capital charge was dropped; or the court dismissed the death penalty notice as untimely.

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By Race/Ethnicity

- The Attorney General reviewed 534 defendants who were submitted by the United States Attorneys for review during the reporting period. Those who were reviewed included:
 - 87 percent (104) of whites who were submitted for review;
 - 84 percent (256) of blacks who were submitted for review;
 - 82 percent (150) of Hispanics who were submitted for review; and
 - 86 percent (24) of others who were submitted for review.
- 143 (27%) of the 534 defendants reviewed by the Attorney General were authorized for the death penalty. These included:
 - 39 percent (41) of whites who were reviewed;
 - 25 percent (64) of blacks who were reviewed;
 - 19 percent (28) of Hispanics who were reviewed; and
 - 42 percent (10) of others who were reviewed.
- Of the 41 authorized white defendants, at the end of the reporting period:
 - 22 percent (9) awaited trials or their trials were in progress;
 - 51 percent (21) pleaded guilty and were not sentenced to death;
 - 27 percent (11) were tried.
 - 100 percent (11) of those tried were convicted of a capital charge.
 - 73 percent (8) of those convicted did not receive the death penalty; and
 - 27 percent (3) of those convicted were sentenced to death.
- Of the 64 authorized black defendants, at the end of the reporting period:
 - 36 percent (23) awaited trials or their trials were in progress;
 - 27 percent (17) pleaded guilty and were not sentenced to death;
 - 38 percent (24) were tried.
 - 96 percent (23) of those tried were convicted of a capital charge.
 - 52 percent (12) of those convicted did not receive the death penalty; and
 - 48 percent (11) of those convicted were sentenced to death.
 - 18 percent (2) of those sentenced to death had their sentences vacated; and
 - 82 percent (9) of those sentenced to death have appeals/reviews pending.
- Of the 28 authorized Hispanic defendants, at the end of the reporting period:
 - 61 percent (17) awaited trials or their trials were in progress;
 - 29 percent (8) pleaded guilty and were not sentenced to death;
 - 11 percent (3) were tried.
 - 0 percent (0) of those tried were convicted of a capital charge.

total minority

102

total pleas

28

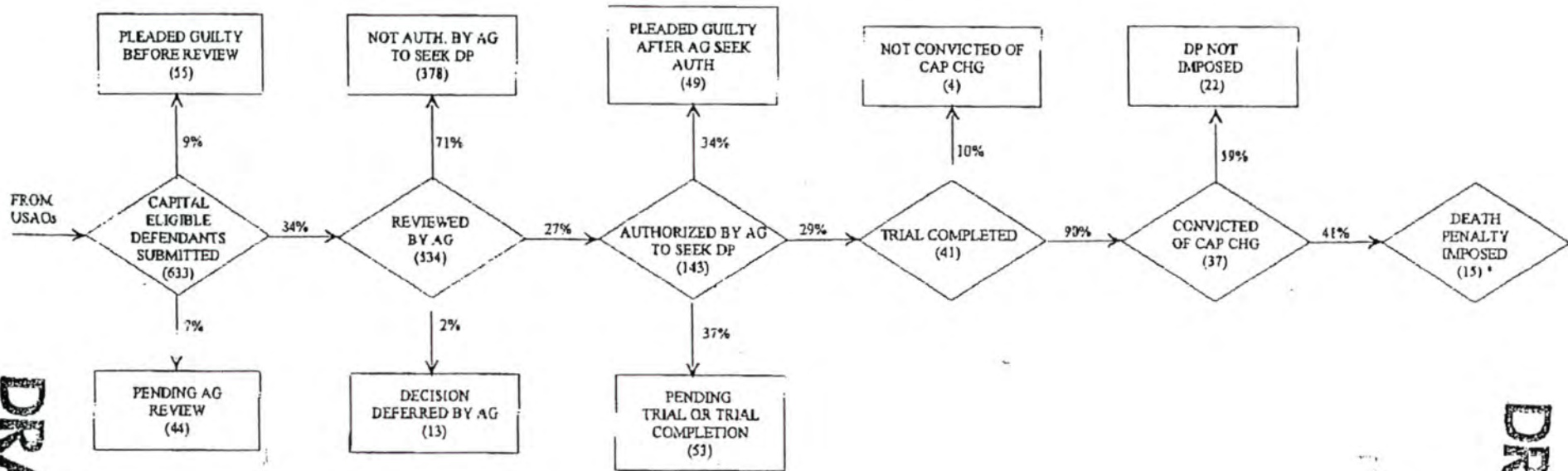
= 27.45%

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- Of the 10 authorized other defendants, at the end of the reporting period:
 - 40 percent (4) awaited trials or their trials were in progress;
 - 30 percent (3) pleaded guilty and were not sentenced to death;
 - 30 percent (3) were tried.
 - 100 percent (3) of those tried were convicted of a capital charge.
 - 67 percent (2) of those convicted did not receive the death penalty; and
 - 33 percent (1) of those convicted were sentenced to death.

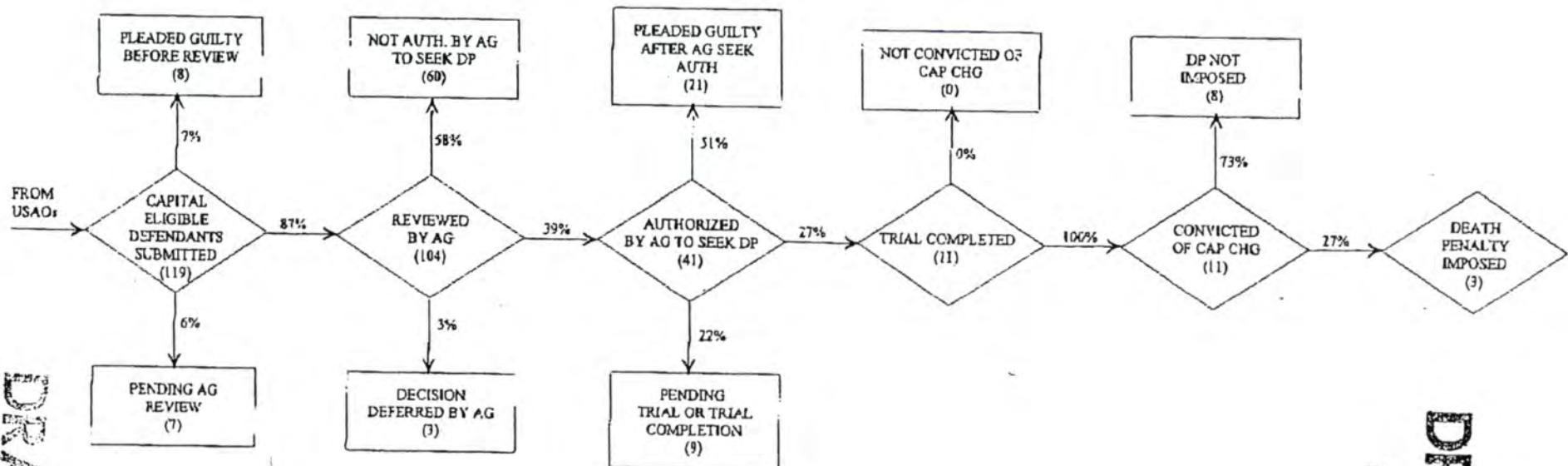
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FEDERAL DEATH PENALTY PROCESS
TOTAL NUMBER OF DEFENDANTS BY STAGE
(FOR SUBMISSIONS MADE 1/27/95-2/14/00)



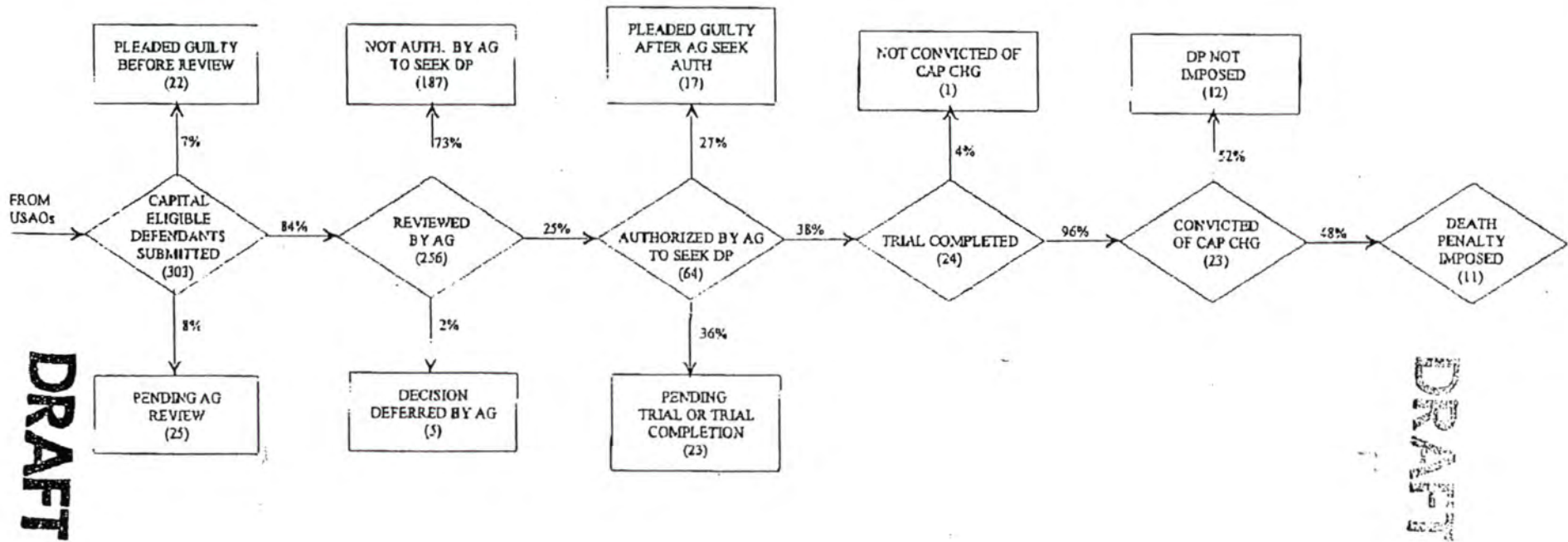
*The sentences for two of these individuals were vacated during the report period and the defendants had not been resentenced by the end of the period. Also, this number does not include five defendants (1 white, 3 black, and 1 Hispanic) sentenced to death who were submitted pre-Protocol and still have pending appeals/reviews.

FEDERAL DEATH PENALTY PROCESS
NUMBER OF WHITE DEFENDANTS BY STAGE
(FOR SUBMISSIONS MADE 1/27/95-2/14/00)

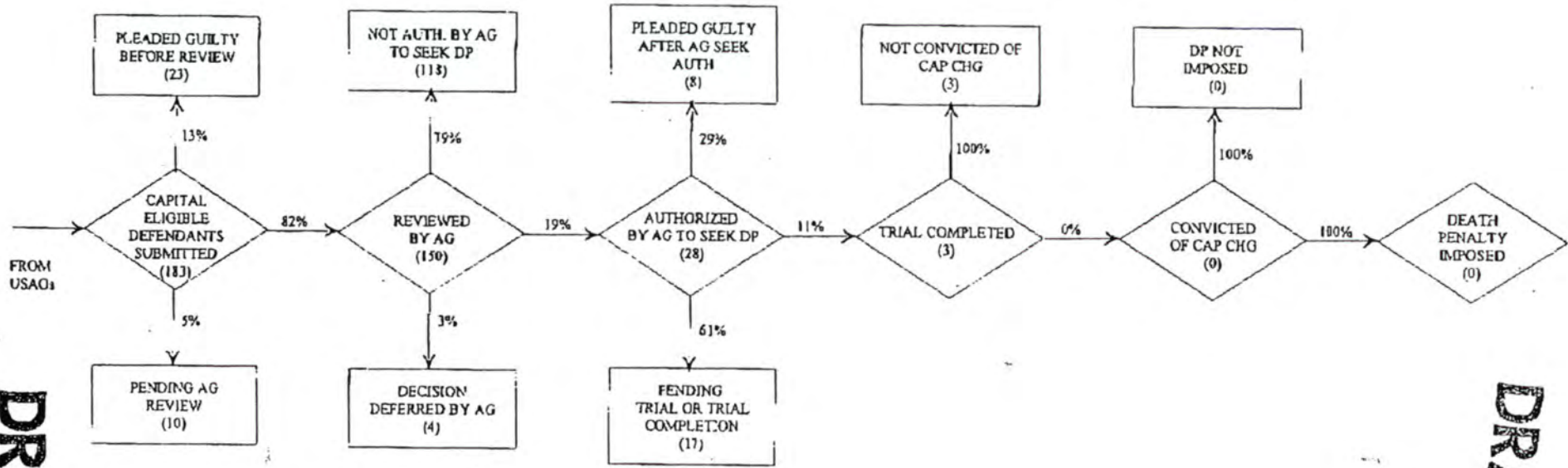


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FEDERAL DEATH PENALTY PROCESS
NUMBER OF BLACK DEFENDANTS BY STAGE
(FOR SUBMISSIONS MADE 1/27/95-2/14/00)



FEDERAL DEATH PENALTY PROCESS
 NUMBER OF HISPANIC DEFENDANTS BY STAGE
 (FOR SUBMISSIONS MADE 1/27/95-2/14/00)



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3. DEFENDANTS BY GEOGRAPHIC DISTRICT AND RACE/ETHNICITY:

The table on pages 15 and 16 breaks down the 633 defendants in capital-eligible cases submitted for review by the geographic district in which they were prosecuted and by their race/ethnicity. The submissions represent all cases in which a defendant was charged with a capital-eligible offense and submitted for review during the reporting period, regardless whether the United States Attorneys recommended seeking the death penalty.

A number of factors may account for the variation among the number of submissions made by each district. United States Attorneys have considerable discretion over charging decisions, and they develop different areas of expertise. Two United States Attorneys may choose to charge the same type of crime under two different statutes, only one of which is capital-eligible. In some districts, moreover, the United States Attorney operates under a memorandum of understanding with state and local prosecutors, agreeing to take certain types of capital-eligible cases that are more commonly charged in state systems.

- **Of the 633 submissions by United States Attorneys to the Attorney General (either with a recommendation to seek the death penalty or with a recommendation not to seek the death penalty), 267 submissions (42 percent) came from the following 5 Districts:**
 - 11 percent (67) were from the District of Puerto Rico;
 - 10 percent (62) were from the Eastern District of Virginia;
 - 8 percent (51) were from the Eastern District of New York;
 - 7 percent (47) were from the Southern District of New York; and
 - 6 percent (40) were from the District of Maryland.
- **The remaining 366 submissions (58 percent) came from 64 other Districts, none of which submitted more than 17 cases.**
- **25 Districts did not submit any cases to the Attorney General during the reporting period.**

DEATH PENALTY DEFENDANT SUBMISSIONS BY DISTRICT AND RACE/ETHNICITY OF DEFENDANT
(JANUARY 27, 1995 - FEBRUARY 14, 2000)

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DISTRICT	TOTAL DEFENDANTS	WHITE	BLACK	HISPANIC	OTHER
Alabama, Middle	0	0	0	0	0
Alabama, Northern	2	2	0	0	0
Alabama, Southern	2	0	2	0	0
Alaska	1	1	0	0	0
Arizona	9	1	3	6	1
Arkansas, Eastern	3	2	1	0	0
Arkansas, Western	3	3	0	0	0
California, Central	15	3	4	6	2
California, Eastern	10	7	2	0	1
California, Northern	4	3	0	0	1
California, Southern	0	0	0	0	0
Colorado	5	4	0	0	1
Connecticut	10	0	1	9	0
Delaware	0	0	0	0	0
District of Columbia	17	1	16	0	0
Florida, Middle	4	0	0	4	0
Florida, Northern	5	2	3	0	0
Florida, Southern	9	0	6	3	0
Georgia, Middle	4	0	4	0	0
Georgia, Northern	5	1	4	0	0
Georgia, Southern	5	0	3	2	0
Guam	0	0	0	0	0
Hawaii	6	1	0	2	3
Idaho	0	0	0	0	0
Illinois, Central	0	0	0	0	0
Illinois, Northern	7	0	2	5	0
Illinois, Southern	3	2	1	0	0
Indiana, Northern	4	0	3	1	0
Indiana, Southern	2	0	2	0	0
Iowa, Northern	4	1	0	3	0
Iowa, Southern	2	3	0	0	0
Kansas	10	2	6	0	2
Kentucky, Eastern	1	0	1	0	0
Kentucky, Western	6	3	1	0	2
Louisiana, Eastern	7	0	5	1	0
Louisiana, Middle	0	0	0	0	0
Louisiana, Western	0	0	0	0	0
Maine	0	0	0	0	0
Mariana Islands, Northern	0	0	0	0	0
Maryland	40	4	35	0	1
Massachusetts	13	3	9	1	0
Michigan, Eastern	17	0	14	3	0
Michigan, Western	10	4	2	0	0
Minnesota	7	0	7	0	0
Mississippi, Northern	1	1	0	0	0
Mississippi, Southern	0	0	0	0	0
Missouri, Eastern	5	0	4	0	1
Missouri, Western	8	3	2	3	0

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**DEATH PENALTY DEFENDANT SUBMISSIONS BY DISTRICT AND RACE/ETHNICITY OF DEFENDANT
(JANUARY 27, 1995 - FEBRUARY 14, 2000)**

DISTRICT	TOTAL DEFENDANTS	WHITE	BLACK	HISPANIC	OTHER
Montana	0	0	0	0	0
Nebraska	0	0	0	0	0
Nevada	9	7	0	0	2
New Hampshire	0	0	0	0	0
New Jersey	3	1	1	1	0
New Mexico	11	2	0	8	1
New York, Eastern	31	13	20	0	7
New York, Northern	6	0	5	1	0
New York, Southern	47	2	16	28	1
New York, Western	5	0	5	0	0
North Carolina, Eastern	9	2	7	0	0
North Carolina, Middle	0	0	0	0	0
North Carolina, Western	5	0	3	0	0
North Dakota	1	1	0	0	0
Ohio, Northern	4	1	3	0	0
Ohio, Southern	0	0	0	0	0
Oklahoma, Eastern	0	0	0	0	0
Oklahoma, Northern	0	0	0	0	0
Oklahoma, Western	2	2	0	0	0
Oregon	1	1	0	0	0
Pennsylvania, Eastern	6	0	3	2	0
Pennsylvania, Middle	4	2	0	2	0
Pennsylvania, Western	1	0	1	0	0
Puerto Rico	67	0	0	67	0
Rhode Island	1	0	0	0	0
South Carolina	7	1	5	0	1
South Dakota	3	3	0	0	0
Tennessee, Eastern	0	0	0	0	0
Tennessee, Middle	6	3	3	0	0
Tennessee, Western	7	1	6	0	0
Texas, Eastern	6	0	5	0	0
Texas, Northern	10	4	4	2	0
Texas, Southern	5	0	0	5	0
Texas, Western	7	3	3	1	0
Utah	0	0	0	0	0
Vermont	1	1	0	0	0
Virgin Islands	3	0	2	0	0
Virginia, Eastern	62	5	57	0	0
Virginia, Western	5	1	4	0	0
Washington, Eastern	0	0	0	0	0
Washington, Western	0	0	0	0	0
West Virginia, Northern	8	4	3	1	0
West Virginia, Southern	0	0	0	0	0
Wisconsin, Eastern	0	0	0	0	0
Wisconsin, Western	0	0	0	0	0
Wyoming	0	0	0	0	0
Total	633	119	303	183	28

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4. DEFENDANTS BY GEOGRAPHIC DISTRICT, CAPITAL-ELIGIBLE CHARGE, AND RACE/ETHNICITY:

The table on pages 18 through ____ breaks down the 633 defendants in capital-eligible cases submitted for review by the geographic district in which they were prosecuted, by the capital-eligible offense with which they were charged, and by their race/ethnicity. The submissions represent all cases in which a defendant was charged with a capital-eligible offense and submitted for review during the reporting period, regardless whether the United States Attorneys recommended seeking the death penalty. Because a defendant may be charged under more than one capital-eligible statute for the same offense, the total of 842 capital-eligible charges is larger than the total of 633 defendants.

The list on pages ____ through ____ provides a short description of each capital-eligible statute referenced in the preceding table and itemizes the total charges filed under each statute.

A number of factors may account for the variation among the number of submissions made by each district. United States Attorneys have considerable discretion over charging decisions, and they develop different areas of expertise. Two United States Attorneys may choose to charge the same type of crime under two different statutes, only one of which is capital-eligible. In some districts, moreover, the United States Attorney operates under a memorandum of understanding with state and local prosecutors, agreeing to take certain types of capital-eligible cases that are more commonly charged in state systems.

Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
Puerto Rico	18 U.S.C. 2119(3)			26		26	81	67
	18 U.S.C. 924(j)			16		16		
	21 U.S.C. 848(e)(1)(A)			12		12		
	18 U.S.C. 2113(e)			9		9		
	18 U.S.C. 1512(a)			8		8		
	18 U.S.C. 1513			4		4		
	8 U.S.C. 1324(a)			4		4		
	21 U.S.C. 848(e)(1)(B)			2		2		
Virginia, E.D.	21 U.S.C. 848(e)(1)(A)		22 ✓			22	79	62
	18 U.S.C. 1111		20 ✓			20		
	18 U.S.C. 924(j)		18 ✓			18		
	18 U.S.C. 1959(a)		5			5		
	18 U.S.C. 794	5				5		
	18 U.S.C. 2119(3)		3			3		
	18 U.S.C. 1201(a)		2			2		
	18 U.S.C. 2113(e)		2			2		
	18 U.S.C. 3591(b)(2)		1			1		
	18 U.S.C. 930(c)		1			1		
New York, E.D.	21 U.S.C. 848(e)(1)(A)	8	8	4		20	59	51
	18 U.S.C. 1959(a)	6	4	3	2	15		
	18 U.S.C. 1203(a)			1	5	6		
	18 U.S.C. 924(j)		6			6		
	18 U.S.C. 1512(a)		4			4		
	18 U.S.C. 241	2		1		3		
	18 U.S.C. 242	2		1		3		
	18 U.S.C. 1958(a)		2			2		
New York, S.D.	18 U.S.C. 1959(a)	1	13	25	1	40	58	47
	18 U.S.C. 1201(a)		2	5		7		
	18 U.S.C. 1512(a)		3	1		4		
	21 U.S.C. 848(e)(1)(A)		3			3		
	18 U.S.C. 844(i)	1		1		2		

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Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
Michigan, E.D.	18 U.S.C. 924(j)		1			1		
	21 U.S.C. 848(e)(1)(B)		1			1		
	21 U.S.C. 848(e)(1)(A)		7	2		9	22	17
	18 U.S.C. 924(j)		5	2		7		
	18 U.S.C. 1958(a)			2		2		
	18 U.S.C. 2113(e)		2			2		
	18 U.S.C. 1512(a)		1			1		
Arizona	18 U.S.C. 1959(a)			1		1		
	18 U.S.C. 1114		2	3	1	6	20	11
	21 U.S.C. 848(e)(1)(B)			3		3		
	8 U.S.C. 1324(a)			3		3		
	18 U.S.C. 1111		1		1	2		
	18 U.S.C. 1512(a)		2			2		
	18 U.S.C. 924(j)			2		2		
	18 U.S.C. 1201(a)	1				1		
Louisiana, E.D.	49 U.S.C. 46502	1				1		
	21 U.S.C. 848(e)(1)(A)		3	1		4	16	7
	18 U.S.C. 1512(a)		3			3		
	18 U.S.C. 241		3			3		
	18 U.S.C. 242		3			3		
	18 U.S.C. 924(j)		3			3		
California, E.D.	18 U.S.C. 1959(a)	3				3	15	10
	18 U.S.C. 245(b)	2				2		
	18 U.S.C. 924(j)		2			2		
	18 U.S.C. 1111	1				1		
	18 U.S.C. 1201(a)	1				1		
	18 U.S.C. 1512(a)	1				1		
	18 U.S.C. 1513	1				1		
	18 U.S.C. 1716	1				1		
	18 U.S.C. 2245	1				1		
	18 U.S.C. 844(d)	1				1		

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Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
	18 U.S.C. 844(j)				1	1		
Illinois, N.D.	18 U.S.C. 1201(a)			5		5	15	7
	18 U.S.C. 1203(a)			5		5		
	18 U.S.C. 1121(a)		2			2		
	21 U.S.C. 848(e)(1)(A)		2			2		
	18 U.S.C. 924(j)		1			1		
Massachusetts	18 U.S.C. 1959(a)	1	7	1		9	14	13
	21 U.S.C. 848(e)(1)(A)		2			2		
	18 U.S.C. 1111	1				1		
	18 U.S.C. 1512(a)			1		1		
	18 U.S.C. 1513	1				1		
Georgia, S.D.	18 U.S.C. 924(j)		3	2		5	13	5
	18 U.S.C. 1121(a)		3			3		
	18 U.S.C. 1512(a)		3			3		
	18 U.S.C. 2119(3)			2		2		
Michigan, W.D.	18 U.S.C. 924(j)	3	2	2		7	12	10
	18 U.S.C. 2113(e)			2		2		
	21 U.S.C. 848(e)(1)(A)			2		2		
	18 U.S.C. 1111	1				1		
Missouri, W.D.	18 U.S.C. 1958(a)			3		3	12	8
	18 U.S.C. 924(j)			3		3		
	18 U.S.C. 1512(a)		2			2		
	21 U.S.C. 848(e)(1)(A)	2				2		
	18 U.S.C. 1201(a)	1				1		
	18 U.S.C. 2245	1				1		
New Mexico	18 U.S.C. 1959(a)			6		6	12	11
	18 U.S.C. 2119(3)			2		2		
	21 U.S.C. 848(e)(1)(A)	2				2		
	18 U.S.C. 1512(a)				1	1		
	18 U.S.C. 1513				1	1		
South Carolina	18 U.S.C. 924(j)		5			5	12	7

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Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
	18 U.S.C. 1512(a)		2			2		
	18 U.S.C. 1513		2			2		
	18 U.S.C. 2119(3)	1			1	2		
	21 U.S.C. 848(e)(1)(A)		1			1		
Kansas	18 U.S.C. 924(j)	1	6		2	9	11	10
	18 U.S.C. 1111	1				1		
	18 U.S.C. 930(c)	1				1		
Tennessee, M.D.	18 U.S.C. 1512(a)	3				3	11	6
	18 U.S.C. 1958(a)	3				3		
	18 U.S.C. 2119(3)		2			2		
	18 U.S.C. 924(j)		2			2		
	18 U.S.C. 2113(e)		1			1		
Connecticut	18 U.S.C. 1959(a)			9		9	10	10
	18 U.S.C. 1114		1			1		
Missouri, E.D.	18 U.S.C. 924(j)		3		1	4	10	5
	18 U.S.C. 1201(a)		1		1	2		
	18 U.S.C. 2113(e)		2			2		
	18 U.S.C. 2119(3)		2			2		
Texas, N.D.	18 U.S.C. 1111	3				3	10	10
	18 U.S.C. 1201(a)		3			3		
	18 U.S.C. 245(b)	1		2		3		
	18 U.S.C. 844(i)		1			1		
Florida, S.D.	18 U.S.C. 1959(a)		4			4	9	9
	8 U.S.C. 1324(a)			3		3		
	18 U.S.C. 924(j)		2			2		
Illinois, S.D.	18 U.S.C. 1958(a)	2	1			3	9	3
	18 U.S.C. 37	2	1			3		
	18 U.S.C. 924(j)	2	1			3		

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Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
Nevada	18 U.S.C. 1959(a)	6				6	9	9
	18 U.S.C. 1958(a)	1			2	3		
Pennsylvania, E.D.	18 U.S.C. 1958(a)			3		3	9	6
	18 U.S.C. 1959(a)			3		3		
	21 U.S.C. 848(e)(1)(A)		3			3		
Pennsylvania, M.D.	18 U.S.C. 1111	2				2	9	4
	18 U.S.C. 1512(a)			2		2		
	18 U.S.C. 924(j)			2		2		
	21 U.S.C. 848(e)(1)(A)			2		2		
	18 U.S.C. 1118	1				1		
Tennessee, W.D.	18 U.S.C. 924(j)		4			4	9	7
	18 U.S.C. 1512(a)		2			2		
	18 U.S.C. 2119(3)		2			2		
	18 U.S.C. 1513	1				1		
Iowa, N.D.	18 U.S.C. 1201(a)	1		3		4	8	4
	18 U.S.C. 924(j)	1		3		4		
New York, W.D.	21 U.S.C. 848(e)(1)(A)		5			5	8	5
	18 U.S.C. 36		3			3		
N. Carolina, W.D.	18 U.S.C. 924(j)	1	3			4	8	5
	18 U.S.C. 2119(3)		2			2		
	18 U.S.C. 1111	1				1		
	18 U.S.C. 1114				1	1		
Texas, W.D.	18 U.S.C. 1958(a)	2		1		3	8	7
	18 U.S.C. 2119(3)		3			3		
	18 U.S.C. 1111		1			1		
	18 U.S.C. 844(i)	1				1		
West Virginia, N.D.	21 U.S.C. 848(e)(1)(A)	1	3	1		5	8	8
	18 U.S.C. 844(i)	3				3		

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District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
California, N.D.	18 U.S.C. 1512(a)	2			1	3	7	4
	18 U.S.C. 924(j)	2			1	3		
	18 U.S.C. 1111	1				1		
Florida, M.D.	18 U.S.C. 1959(a)			3		3	6	4
	18 U.S.C. 924(j)			3		3		
Minnesota	18 U.S.C. 924(j)		5			5	7	7
	21 U.S.C. 848(e)(1)(A)		2			2		
Texas, E.D.	18 U.S.C. 2113(e)		3			3	7	5
	18 U.S.C. 924(j)		2			2		
	18 U.S.C. 1201(a)		1			1		
	18 U.S.C. 1959(a)		1			1		
Texas, S.D.	8 U.S.C. 1324(a)			3		3	7	5
	18 U.S.C. 2119(3)			2		2		
	18 U.S.C. 924(j)			2		2		
Georgia, M.D.	18 U.S.C. 2119(3)		3			3	6	4
	18 U.S.C. 924(j)		2			2		
	18 U.S.C. 1111		1			1		
Hawaii	18 U.S.C. 1111	1			2	3	6	6
	18 U.S.C. 924(j)			2	1	3		
Kentucky, W.D.	18 U.S.C. 844(i)		1		2	3	6	6
	18 U.S.C. 1958(a)	2				2		
	18 U.S.C. 924(j)	1				1		
New Jersey	18 U.S.C. 924(j)		1	1		2	6	3
	18 U.S.C. 1513			1		1		
	18 U.S.C. 1716	1				1		
	18 U.S.C. 2113(e)		1			1		
	18 U.S.C. 844(d)	1				1		
New York, N.D.	21 U.S.C. 848(e)(1)(A)		5	1		6	6	6

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District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
Oklahoma, W.D.	18 U.S.C. 1114	2				2	6	2
	18 U.S.C. 2332(a)	2				2		
	18 U.S.C. 844(f)	2				2		
Virginia, W.D.	18 U.S.C. 924(j)		3			3	6	5
	18 U.S.C. 1958(a)	1	1			2		
	21 U.S.C. 848(e)(1)(A)		1			1		
Arkansas, E.D.	18 U.S.C. 924(j)	2	1			3	5	3
	18 U.S.C. 1959(a)	2				2		
Arkansas, W.D.	18 U.S.C. 1111	2				2	5	3
	18 U.S.C. 924(j)	2				2		
	18 U.S.C. 1201(a)	1				1		
Colorado	18 U.S.C. 1111	4			1	5	5	5
Florida, N.D.	18 U.S.C. 2119(3)		3			3	5	5
	18 U.S.C. 1111	2				2		
Georgia, N.D.	18 U.S.C. 924(j)		2			2	5	5
	18 U.S.C. 1118		1			1		
	18 U.S.C. 2119(3)		1			1		
	18 U.S.C. 247(d)(1)	1				1		
Ohio, N.D.	18 U.S.C. 1959(a)		3			3	5	4
	18 U.S.C. 33	1				1		
	18 U.S.C. 844(i)	1				1		
Alabama, S.D.	18 U.S.C. 1512(a)		2			2	4	2
	18 U.S.C. 1513		2			2		
Indiana, N.D.	18 U.S.C. 924(j)		3			3	4	4
	18 U.S.C. 2119(3)			1		1		
Indiana, S.D.	18 U.S.C. 1512(a)		2			2	4	2
	18 U.S.C. 1513		2			2		
Rhode Island	18 U.S.C. 1959(a)		3	1		4	4	4
Virgin Islands	8 U.S.C. 1324(a)		2			2	4	3
	18 U.S.C. 2119(3)			1		1		
	18 U.S.C. 924(j)			1		1		

Distribution of Capital-Eligible Defendants Per District, Per Statute, By Race¹
January 27, 1995 to February 14, 2000

District	Statute	White	Black	Hisp.	Other	Capital-Eligible Charges Per Statute	Capital- Eligible Charges For All Statutes	Total Defendants
Alaska	18 U.S.C. 1114	1				1	3	1
	18 U.S.C. 924(j)	1				1		
	18 U.S.C. 930(c)	1				1		
South Dakota	8 U.S.C. 1324(a)	3				3	3	3
Alabama, N.D.	21 U.S.C. 848(c)(1)(A)	2				2	2	2
Iowa, S.D.	18 U.S.C. 2119(3)	2				2	2	2
Mississippi, N.D.	18 U.S.C. 1111	1				1	2	1
	18 U.S.C. 924(j)	1				1		
North Dakota	18 U.S.C. 1512(a)	1				1	2	1
	18 U.S.C. 844(i)	1				1		
Kentucky, E.D.	18 U.S.C. 2119(3)		1			1	1	1
Oregon	18 U.S.C. 1111	1				1	1	1
Pennsylvania, W.D.	18 U.S.C. 1959(a)		1			1	1	1
Vermont	18 U.S.C. 844(d)	1				1	1	1
Total		166	400	244	32	842	842	
Defendants		119	303	183	28			633

¹ This chart itemizes submissions for Attorney General Review involving 633 defendants. However, a defendant may be charged under more than one capital-eligible statute. In this chart, defendants are counted with regard to each capital-eligible statute under which they are charged — the total 842 represents capital-eligible charges filed against 633 defendants.

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Capital-Eligible Statutes¹
January 27, 1995 to February 14, 2000

8 U.S.C. § 1324(a) – Alien Smuggling Resulting in Death

Total capital-eligible charges = 20

18 U.S.C. § 32 – Destruction of an Aircraft/Aircraft Facilities Resulting in Death

Total capital-eligible charges = 1

18 U.S.C. § 33 – Destruction of Motor Vehicle Resulting in Death

Total capital-eligible charges = 1

18 U.S.C. § 36 – Murder by Drive-by Shooting

Total capital-eligible charges = 3

18 U.S.C. § 37 – Violence at an International Airport Resulting in Death

Total capital-eligible charges = 3

18 U.S.C. § 241 – Conspiracy Against Civil Rights Resulting in Death

Total capital-eligible charges = 6

18 U.S.C. § 242 – Denial Of Rights Under Color of Law Resulting in Death

Total capital-eligible charges = 6

18 U.S.C. § 245(b) – Federal Protected Activity Resulting in Death

Total capital-eligible charges = 6

18 U.S.C. § 247(d)(1) – Damage to Religious Property Resulting in Death

Total capital-eligible charges = 1

18 U.S.C. § 794 – Espionage

Total capital-eligible charges = 5

18 U.S.C. § 844(d) – Explosion Resulting in Death, Involving Interstate Transport

Total capital-eligible charges = 4

18 U.S.C. § 844(f) – Explosion Resulting in Death, Involving Government Property

Total capital-eligible charges = 2

18 U.S.C. § 844(l) – Arson/Explosion Resulting in Death, Involving Property in Interstate Commerce

¹This statutory breakdown itemizes submissions for Attorney General Review involving 633 defendants. However, a defendant may be charged with more than one capital-eligible statute. The 842 total capital-eligible charges represents the charges filed against 633 defendants.

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Total capital-eligible charges = 18

18 U.S.C. § 924(j) – Firearm Murder During Violent Crime or Drug Trafficking Crime

Total capital-eligible charges = 168

- 86 charges predicated on drug trafficking crimes
- 30 charges predicated on armed robbery violations
- 16 charges predicated on carjacking violations
- 11 charges predicated on murder
- 10 charges predicated on bank robbery
- 10 charges predicated on kidnapping
- 3 charges predicated on combinations of two crimes of violence
(kidnapping/carjacking; carjacking/domestic abuse; kidnapping/stalking)
- 2 charges predicated on domestic violence violations

18 U.S.C. § 930(c) – Murder in a Federal Facility

Total capital-eligible charges = 3

18 U.S.C. § 1111 – Premeditated Murder and Felony Murder

Total capital-eligible charges = 55

- 30 are based on murders committed by federal prisoners
- 25 are based on murders in federal areas
 - 13 on unimproved federal land/parks
 - 5 in government office buildings/or grounds
 - 5 on military land
 - 1 on an Indian reservation
 - 1 in U.S. air space

18 U.S.C. § 1114 – Murder of a Federal Officer or Employee

Total capital-eligible charges = 14

18 U.S.C. § 1118 – Murder by a Confined Federal Prisoner

Total capital-eligible charges = 2

18 U.S.C. § 1121(a) – Murder of a Person Aiding Law Enforcement Officers

Total capital-eligible charges = 5

18 U.S.C. § 1201(a) – Kidnapping Resulting in Death

Total capital-eligible charges = 34

18 U.S.C. § 1203 – Hostage Taking Resulting In Death

Total capital-eligible charges = 11

18 U.S.C. § 1512(a) – Murder of a Federal Witness/Victim/Informant

Total capital-eligible charges = 52

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18 U.S.C. § 1513(a) – Retaliatory Murder of a Federal Witness

Total capital-eligible charges = 18

18 U.S.C. § 1716 – Mailing Injurious Articles Resulting in Death

Total capital-eligible charges = 3

18 U.S.C. § 1958(a) – Interstate Murder-For-Hire

Total capital-eligible charges = 31

18 U.S.C. § 1959 – Murder in Aid of Racketeering Activity

Total capital-eligible charges = 142

80 charges based on district criminal organizations

56 charges based on national criminal organizations (e.g., La Cosa Nostra, the Latin Kings)

6 charges based on international criminal organizations

18 U.S.C. § 2113(c) – Bank Robbery Resulting in Death

Total capital-eligible charges = 22

18 U.S.C. § 2119(3) – Carjacking Resulting in Death

Total capital-eligible charges = 69

18 U.S.C. § 2245 – Sexual Abuse Resulting in Death

Total capital-eligible charges = 2

18 U.S.C. § 2332(a) – Use of Weapon of Mass Destruction Resulting in Death

Total capital-eligible charges = 2

18 U.S.C. § 3591(b)(2) – Continuing Criminal Enterprise Obstruction of Justice Attempted Murder

Total capital-eligible charges = 1

21 U.S.C. § 848(e)(1)(A) – Continuing Criminal Enterprise Drug Felony Intentional Killing

Total capital-eligible charges = 124

107 charges based on district drug conspiracies

11 charges based on interstate drug conspiracies

6 charges based on national drug conspiracies

21 U.S.C. § 848(e)(1)(B) – Continuing Criminal Enterprise Drug Related Killing of a Police Officer

Total capital-eligible charges = 7

4 charges based on district drug conspiracies

3 charges based on international drug conspiracies

49 U.S.C. § 46502 – Aircraft Piracy Resulting in Death

Total capital-eligible charges = 1

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DRAFT**5. DEFENDANTS AND VICTIMS BY RACE/ETHNICITY:⁷**

As noted above, the Attorney General reviewed 534 defendants who were submitted by the United States Attorneys during the reporting period. The Attorney General deferred a decision whether to authorize or not to authorize seeking the death penalty for 13 defendants and reached a decision for 521. Of these 521 defendants, 514 were charged in cases with identified victims.⁸

- **Of the 514 defendants charged in cases with identified victims, 373 (73%) were the same race/ethnicity as all the victims associated with their capital charges:**
 - When both the defendant and all victims were white (80 defendants), the death penalty was authorized for 45 percent (36) of defendants;
 - When both the defendant and all victims were black (171 defendants), the death penalty was authorized for 20 percent (35) of defendants; and
 - When both the defendant and all victims were Hispanic (108 defendants), the death penalty was authorized for 20 percent (22) of defendants.
- **Of the 514 defendants charged in cases with identified victims, 141 (27%) were of a different race/ethnicity than at least one victim associated with their capital charges:**
 - When the defendant was white and at least one victim was not white (15 defendants), the death penalty was authorized for 33 percent (5) of defendants;
 - When the defendant was black and at least one victim was not black (78 defendants), the death penalty was authorized for 37 percent (29) of defendants;
 - When the defendant was Hispanic and at least one victim was not Hispanic (37 defendants), the death penalty was authorized for 16 percent (6) of defendants.
- **Of the 514 defendants charged in cases with identified victims, 405 (79%) faced capital charges involving only one victim,⁹ and 109 (21%) faced capital charges involving more than one victim.**
 - 95 of the 514 defendants charged in cases with identified victims were white: 76 (80%) were charged in single-victim cases, and 19 (20%) were charged in multiple-victim cases.
 - 249 of the 514 defendants charged in cases with identified victims were black:

⁷Some of the percentages in this section are based on very small subsets of individuals. The reader should exercise caution in drawing conclusions about the overall application of the death penalty in the federal system.

⁸Seven defendants were charged in cases with unidentified victims: five charged with espionage and two with illegal alien smuggling, in a case in which the race/ethnicity of the victims was not recorded.

⁹While 405 defendants had capital charges related to only one victim, in many of these cases multiple defendants were charged with the death of the same victim.

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190 (76%) were charged in single-victim cases, and 59 (24%) were charged in multiple-victim cases.

- 147 of the 514 defendants charged in cases with identified victims were Hispanic: 120 (82%) were charged in single-victim cases, and 27 (18%) were charged in multiple-victim cases.
- 23 of the 514 defendants charged in cases with identified victims were other: 19 (83%) were charged in single-victim cases, and 4 (17%) were charged in multiple-victim cases.

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DRAFT**6. DEFENDANTS SENTENCED TO DEATH:¹⁰**

- Of the 633 defendants facing capital-eligible charges who were submitted for review, 13 had pending death sentences at the conclusion of the reporting period.¹¹ Additionally, 5 defendants who were charged before the current death penalty protocol took effect had pending death sentences at the conclusion of the reporting period. Of the 18 federal death row defendants:
 - 22 percent (4) were white;
 - 67 percent (12) were black;
 - 6 percent (1) was Hispanic; and
 - 6 percent (1) was other (Asian).
- These 18 defendants represented 14 separate cases — 11 cases had one defendant convicted of capital charges and 3 cases had multiple defendants.
- 17 of these 18 defendants were sentenced to death for crimes involving a total of 27 victims: 6 white, 17 black, 3 Hispanic, and 1 other (Asian). 81 percent (22 of 27) of the victims were male. One defendant on federal death row, Timothy McVeigh, was responsible for killing 168 individuals, both male and female, of various races/ethnicities in the 1995 bombing of the Murrah Federal Building in Oklahoma City.
- 44 percent (8) of these 18 defendants had capital convictions related to only one victim.
- 72 percent (13) of these 18 defendants were sentenced to death for crimes against victims exclusively of the same race/ethnicity.

¹⁰The percentages in this section are based on very small subsets of individuals. The reader should exercise caution in drawing conclusions about the overall application of the death penalty in the federal system.

¹¹See footnote 1.

DRAFT

ALL CONFIRMED
EXCEPT JACKSON

(W)

72800

July 27, 2000

cc: TIM

~~removed~~
Don B.

0 JUL 28 PM 12:44

MEMORANDUM

TO: LISEL LOY
FROM: JESSICA GREENE
RE: MEDAL OF FREEDOM RECIPIENTS (RI)

Please note that (Ret.) has been added to numbers three and four.

The Medal of Freedom recipients would like their names printed on the citations and engraved on the medals as follows:

1. Jim Burke
2. John H. Chafee
3. Admiral William J. Crowe, Jr. (Ret.)
4. General Wesley K. Clark, USA (Ret.)
5. Marian Wright Edelman
6. John Kenneth Galbraith
7. Msgr. George G. Higgins
8. Rev. Jesse Louis Jackson, Sr. (before correction: Reverend Dr. Jesse Louis Jackson, Sr.)
9. Medal: Mildred M. Jeffrey
Citation: Mildred McWilliams Jeffrey
10. Mathilde Krim Ph.D.
11. George McGovern
12. Daniel Patrick Moynihan
13. Gardner Calvin Taylor
14. Simon Wiesenthal (before correction: Dr. Simon Wiesenthal)

If you have any questions please do not hesitate to call me at x62201.

Hold →

GENERAL WESLEY K. CLARK
UNITED STATES ARMY (RETIRED)

FACSIMILE TRANSMITTAL SHEET

TO: *Jessica Greene* FROM: *Sharon Dougherty for General Clark*
COMPANY: *White House Social Office* DATE: *July 27, 2000*
FAX NUMBER: *202-456-2028* TOTAL NO. OF PAGES INCLUDING COVER: *One*
PHONE NUMBER: SENDER'S REFERENCE NUMBER:
RE: YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Jessica,

*General Clark agrees to his
name appearing on the
medal as*

General Wesley K. Clark, USA (Ret.)

*Sharon Dougherty
Executive Assistant*

601 PENNSYLVANIA AVENUE, NW
SOUTH BUILDING, SUITE 720
WASHINGTON, DC 20004

TEL: (202) 628-6668 FAX: (202) 628-6669

MEMORANDUM

TO: Jessica Greene
FROM: Steven Durant/Admiral Crowe
DATE: 24 JUL 2000
RE: Correct Spelling/Engraving of Award

As agreed upon yesterday, this memo will confirm that the name as it is to appear on Admiral Crowe's medal shall read either:

Admiral William J. Crowe, Jr. (Ret)
Or
Admiral William J. Crowe, Jr. (Retired)

Thank you for your assistance and guidance, I look forward to the ceremony on 09 AUG 2000.

-Steve

*République du Sénégal**Un peuple Un but Une foi**Le Président de la République*

Dakar, le

27 JUL 2000

00 JUL 28 11:30

P03084 PR/CAB/M.DIPLO.1

Monsieur le Président,

00 JUL 28 12:35

Le développement des échanges commerciaux entre nos deux pays, constitue un objectif dont la réalisation contribuera au renforcement de notre coopération bilatérale. La Foire internationale de Dakar (FIDAK) l'a toujours favorisé.

Comme celles qui l'ont précédée, la 14^{ème} édition prévue du 23 novembre au 05 décembre 2000, sera un cadre privilégié pour des contacts et échanges entre les unités de production des différents secteurs d'activités des pays représe

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Je Vous d'agréer, **Monsieur le Président**, les assurances
de ma très haute considération.

Son Excellence
Monsieur William Jefferson CLINTON
Président des Etats-Unis d'Amérique

WASHINGTON**Abdoulaye WADE**

*République du Sénégal**Un peuple Un but Une foi*

Dakar, le

27 JUL. 2000

00 JUL 28 11:30

03084 PR/CAB/M.DIPLO.1

*Le Président de la République***Monsieur le Président,**

00 JUL 28 12:35

Le développement des échanges commerciaux entre nos deux pays, constitue un objectif dont la réalisation contribuera au renforcement de notre coopération bilatérale. La Foire internationale de Dakar (FIDAK) l'a toujours favorisé.

Comme celles qui l'ont précédée, la 14^{ème} édition prévue du 23 novembre au 05 décembre 2000, sera un cadre privilégié pour des contacts et échanges entre les unités de production des différents secteurs d'activités des pays représentés.

En effet, en plus de l'exposition de produits et services, il y aura, à cette occasion, l'organisation d'une bourse des échanges, des mises en relations d'affaires et différentes rencontres professionnelles.

Je suis persuadé que la présence de Votre pays à cette manifestation sera hautement bénéfique au renforcement de la coopération entre nos deux pays.

C'est pourquoi il m'est particulièrement agréable d'inviter officiellement Votre pays à participer à la prochaine édition de la FIDAK.

Mon Ministre du Commerce fera parvenir, prochainement, aux organismes compétents de Votre pays toutes les informations nécessaires en vue d'une participation efficace à la Foire.

Je Vous d'agréer, **Monsieur le Président**, les assurances de ma très haute considération.

Son Excellence
Monsieur William Jefferson CLINTON
Président des Etats-Unis d'Amérique

WASHINGTON**Abdoulaye WADE**

DR. MICHAEL EASLEY
PRESTON G. HICKY
ANN B. HUDSON

EASLEY, HICKY & HUDSON

AN ASSOCIATION OF TRIAL LAWYERS

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633-1447

FAX 633-1687

e-mail: bmeasley@arkansas.net

"CERTIFIED SINCE 1985 AS A
"CIVIL TRIAL ADVOCATE" BY THE
NATIONAL BOARD OF TRIAL ADVOCACY

FAX NO. (870) 633-1687

DATE: July 26, 2000

PLEASE DELIVER TO: Mary Morrison
The White House

FAX NUMBER: (202) 456-6703

FROM: Mike Easley

RE: Proposal to reduce railroad fatalities

Dear Mary:

Thank you for speaking with me. Mr. Bob Pottroff of Manhattan, Kansas, and I would like to speak with the President concerning this plan at the earliest possible time. We don't think it would take more than 10 to 15 minutes of the President's time. We will come to Washington, meet the President in Arkansas the next time he is here, or meet him any place else he might suggest.

Mike Easley

YOU SHOULD BE RECEIVING 3 PA
PAGE. IF YOU DO NOT RECEIVE THE
PLEASE CALL (501) 633-1447 AS SOON

CONFIDENTIALITY NOTE: The information transmitted in this facsimile to be confidential and for the use of only the individual or entity named above purpose of rendering legal advice and thereby privileged. If the reader of this any retention, dissemination, distribution or copying of this telecopy is strict immediately notify us by telephone and return the original message to the a Thank you.

Justin -

Is this something

Mary should see?

elf not -

Send to Burkhardt?

Yes ☒

No

Coordinate w/ scheduling + Transmittal
re: POTUS mtg request
CC: [unclear]

**Executive Summary
for the President of the United States of America,
William Jefferson Clinton,
concerning the
Railroad Safety Plan 2000**

B. Michael Easley
Forrest City, Ark.

Robert L. Pottroff
Manhattan, KS

Mr. President,

This Plan is intended to accomplish the following:

- Save 400 lives a year
- Curtail abuses of a federally funded safety program
- Promote the use of new safety technologies
- Establish uniform railroad crossing safety standards
- Utilize current funding programs
- Increase crossing safety without additional federal funding
- Bust the gridlock that has us lagging behind other countries in public safety at railroad crossings

THE PROBLEM

Almost 500 lives are lost each year at railroad crossings. For 50 years, we have known that lights and gates at crossings are 90% effective in preventing accidents. Since 1975 the U.S. Department of Transportation (DOT) has distributed \$150 million to \$200 million annually for railroad crossing safety. At this funding level, we have already expended enough tax dollars to have upgraded every crossing across the country. However, 80% of the crossings still have no gates and over 60% have no active warning device of any kind. The absence of a national plan and mandatory standards has made this federal safety program susceptible to abuse, manipulation, and inconsistency. Despite these difficulties, the program has proven that technology such as lights and gates does save lives.

HISTORY OF SHANKLIN DECISION

The national interest in promoting uniformity in highway facilities began as early as 1927 when the American Association of State Highway and Transportation Officials published a manual for rural highways. In 1935, the first publication of what is now known as the Manual on Uniform Traffic Control Devices (MUTCD) was published as a means for the unification of standards applicable to various classes of road and street systems. Over the years, the MUTCD has served to provide a definition of minimum standards that would insure basic uniformity.

In the early 1970's, Congress and the United States Department of Transportation established a funding program to promote and prioritize the installation of lights and gates. The regulations that implemented the program recognized the MUTCD as a minimum standard, but sought to effect the installation of lights and gates at 3000 crossings a year. In the recent United States Supreme Court decision of *Norfolk & Southern Railroad v. Shanklin*, the regulatory scheme was criticized for not making a clear distinction between "minimum compliance" expenditures and expenditures for lights and gates, which were deemed to be "adequate warning devices." Accordingly, the railroad was let off the hook despite the misuse of federal safety funds, and against the urging of the DOT and Solicitor General. In his concurring opinion in *Shanklin*, Justice Breyer stated that the common sense outcome sought by the Solicitor General and DOT in the case could easily be accomplished by drafting regulations to make clear that federal expenditures in "minimum" programs do not come within the regulations governing "adequate" programs.

The railroad industry is totally content with operating on the fringe of "minimum compliance." This minimalist approach flies in the face of public safety. The *Shanklin* decision, which so sharply criticized the wording of the DOT regulations, represents a tremendous set back for public safety at railroad crossings. That decision rewarded railroads for using safety funds to supplement their maintenance budgets; thus changing a safety program into corporate welfare at the cost of human lives!

THE SOLUTION

The solution is basic. It was recognized by the U.S. Supreme Court for over 130 years before the *Shanklin* decision. The solution is as follows:

"Railroads must either provide sufficient warning to adequately alert a reasonable person of the approach of its train or modify its operating practices to achieve sufficient warning."

This principle from the common law has stood for 130 years before *Shanklin*. The Secretary of Transportation needs to immediately modify the current regulations to insure this simple principle is not violated further. We are willing to meet with the Secretary of Transportation to propose corrective regulations.

Pat and Elizabeth Flippo
 106 Westchester
 Mountain Home, Ar.

July 27, 2000

Dear Mr. President, 72653

Sorry that the Middle East Summit wasn't as successful as you had hoped. However, I know you want to go. I am successful. I read the Fee Outed minimum homes. -
 7/28/00
 Send to Burkhardt?
 Yes ☒
 No ☐
 can
 I had concluded on nursing that senior citizens couldn't receive adequate care based on state existing minimum staffing requirements. Mr. President, I knew without a doubt that nursing homes can not provide quality care based on existing staffing requirements.

Pat and Elizabeth Flippo
106 Westchester
Mountain Home, Ar.

Moose
10/12/00

July 27, 2000
72653
Dear Mr. President,

00 JUL 28 PM 12:25
Sorry that the Middle East
Summit wasn't as successful as you
had hoped. However, I know you
won't give up until you are successful.
I read in the newspaper that
the Federal Government had con-
ducted a eight year study on
minimum staffing for nursing
homes. The study concluded that
senior citizens couldn't receive
adequate care based on states
existing minimum staffing re-
quirements. Mr. President, I know
without a doubt that nursing homes
can not provide quality care based
on existing staffing requirements.

Minimum staffing requirements must be increased throughout the U.S. In addition, nursing homes must receive higher reimbursements from Medicare and Medicaid to pay for the increase in staffing.

This past April I left the nursing home industry because I could no longer provide my residents quality care because I didn't have adequate staff nor could I get it. In addition I would not compromise my principles regarding caring for my residents. I used to be very proud of the service we provided, and loved caring for the elderly. In the end I hated it because I could not provide the service I knew the residents needed.

Pat and Elizabeth Flippo

Please do something to help
our senior citizens in nursing
homes.

My son, Scott has really enjoyed
being a Intern at the White House
this summer. The experience has
made a profound effect on him.

Mr. President you have five
months left to build the bridge
into the twenty-first century I'm
hopeful that senior citizens who
reside in nursing homes will be a
part of the bridge.

Keep up the good work and,
never forget your roots!

Sincerely,

Pat

STATE CAPITOL, ROOM 2080
SACRAMENTO, CA 95814
(916) 445-1353
(916) 324-4823 FAX

10951 W. PICO BLVD., #202
LOS ANGELES, CA 90064
(310) 441-9084
(310) 441-0724 FAX

Senate California Legislature

TOM HAYDEN
SENATOR
TWENTY-THIRD DISTRICT



CHAIR:
NATURAL RESOURCES
AND WILDLIFE
SELECT COMMITTEE ON
HIGHER EDUCATION
SUBCOMMITTEE ON COASTAL
AND OCEAN PROTECTION
AND RESTORATION
COMMITTEES:
BUDGET AND FISCAL REVIEW
EDUCATION
ENVIRONMENTAL QUALITY
TRANSPORTATION

July 28, 2000

The Honorable Bill Clinton
President of the United States

Transmitted by Fax

Dear Mr. President:

I'm deeply appreciative of your recent letters on global trade issues. I will be urging the Democratic Party Platform Committee to include your proposals in detail, particularly the need for democratic reform of the trade panels and the protection of state and local governments. The language that you employ concerning workers rights, environmental protection and human rights is likely to meet with widespread approval among the party's progressive constituencies and the public in general.

The remaining issues that I hope can be the focus of a final round of discussion are:

1. The issue of fast track and the role of Congress or affected state governments in the trade decision-making process;
2. Whether or not issues of due process and appeals have any place in the reform of the process; and
3. Whether the trade panels can be more broadly representative than simply trade experts from various governments.

My own hope in directly appealing to the Platform Committee is to keep working on these issues in hopes they can be resolved before the Convention opens. I think it is urgent to do so in order to respond positively to the many demands of the protestors as well as the candidacy of Ralph Nader.

7/28/00

Sincerely,

Tom Hayden
Senator Tom Hayden

Send to Burckhardt

Yes ☒
No ☐

and

Printed on Recy

cc: Richetti, Mignon Moore

MOZARK PRODUCTIONS

July 26, 2000

Dear Mr. President:

Thank you again for agreeing to congratulate Ralph Bloodworth, III and his fiancée, Jill Womick, on their pending marriage. I am enclosing a few facts which might be helpful to you. Feel free to include or disregard any you wish to.

By the way, everyone refers to Ralph as "Boomer" so you probably should do the same. A University of Arkansas Law School graduate, he has taken the Bar exam this week. You might want to mention the fact that he is the 8th Bloodworth in this family to graduate from law school and the first one to marry another lawyer. (Bloodworth's usually just try to whip them.) He comes from a long line of interesting and successful attorney's. Boomer's Great-Grandfather was the Chairman of the Republican Party in Arkansas and a well-known civil rights advocate. His Grandfather was a Japanese war crimes prosecutor. His Great Uncle Charles was a Judge Advocate at Nuremberg and most importantly, his Great Uncle Howard is known for making Rush Limbaugh's daddy cry (after he defeated him in a court case.)

Jill Womick is also the daughter of an attorney and is currently in law school. We were thinking you might want to say something about how you know from experience that once two lawyer's marry each other, neither of them will ever win an argument again.

Linda and I really appreciate your taking the time to do this. It will be seen at a party Linda is holding at her scholarship foundation and half of the town will be there. Boomer and Jill will be thrilled. One last note, you met Boomer when he was still a kid. He came to the Governor's office at Little Rock and sat in your chair. Thanks again. We are looking forward to seeing you at the convention.

Warmest regards,

Harry
Harry

7128100
Video done today -
Send to Records?

Yes ☒
No ☐