

This was faxed
to you on
7/26/00

Shank
[Signature]

ASU
ARKANSAS STATE
UNIVERSITY
MOUNTAIN HOME

1600 South College
Mountain Home, AR 72653
Phone
870 508-1101
Fax
870 508-6248

thm
stuff secretary

The White House
1600 Pennsylvania Avenue
Washington, DC 20515

Bill
Dear President Clinton:

Blanche is actively trying to obtain funds for ASUMH through the Veterans Housing and Urban Development program. I am attaching the information she has forwarded, along with our original packet of information to her. We have a wonderful new university, but we are in dire need of these facilities. It is also important to note that if this project becomes a reality, we will do it in honor of Vada Sheid.

Our current hurdle is getting this included in the initial mark-up of the legislation. I have included a copy of the committee members, and the favor we ask today is that you put in a good word for us to those on the committee with whom you feel you can influence. Time is of the essence, and we will be in debt to you for any support that is possible.

Sincerely,

Ed

Ed Coulter
Chancellor

enclosure

mc

8/11/00
Send to Beckh...
Yes ☒
No ☐
cd

**Proposal
For
The Vada Sheid
Community Development Center**

It is being proposed that a Community Development Center be built in Mountain Home to assist the immediate and surrounding communities in meeting the educational, economical, and cultural needs of their population. This region includes the following counties: Baxter, Fulton, Izard, Marion, Searcy, and Stone. This proposed structure would include space to be used for various purposes and house various programs. A portion of the space will be specifically designated as an auditorium. The construction of this structure will result in the creation of jobs as well as meeting a compelling community need. The structure will benefit all community members especially those from low and moderate income neighborhoods and will affect members in three distinct ways: 1) educationally, 2) economically, and 3) culturally. Furthermore, resulting benefits will eliminate physical and economic distress. This project will be completed within one year and will have a match from a non-federal source.

Creating Jobs

In reference to creating jobs, the construction of this facility will have both an immediate and ongoing economic impact. The construction will have a \$48,000,000 impact on the regional economy with 50% going toward immediate employment income. As a result of construction of this facility, there will be immediate employment available for construction workers and site development planners while the facility is in the construction phase. The construction of this facility may result in increased on-going employment in the following areas:

Childcare
Facility management and care
Workforce development for the unemployed and underemployed
Service industries
Incubator programs
Telecenter

Compelling Community Need/ Benefit low/moderate income/ Eliminate physical & economical distress

Members of the regional population who are to be served by this project are presently geographically isolated from sufficient, available facilities. The current facilities are scattered, overcrowded, and generally inaccessible. The construction of this facility will provide a central location to possibly house the following community service programs at no cost for low and moderate income households:

ABE-GAE (adult education)—provides high school equivalency to 500+

Twin Lakes Literacy Council—provides tutoring in basic literacy for all ages

PIE (Partnership Involvement in Education)—promotes corporate involvement in education and economic development

Business & Industry Workforce Development--serves 20+ industries

ACCESS Arkansas--serves the 23 two-year community colleges with potential online enrollment of approximately 40,000

TRIO--serves approximately 800 students in the "regional" area with Mountain Home serving 300+ annually

Low Income Medical Clinic—newly developed program which will start in April

Arkansas Scholars—new academic program being implemented in area schools for economically and educationally challenged students

Referral Resource Center—to coordinate volunteer agencies that serve people who need physical or economic assistance

Lecture & concert series—currently offered several times throughout the year, free of charge--many times with standing room only

Art exhibit area—this will be located within the lobby and would increase the cultural opportunities for the community population

This facility would be an easily accessible meeting place for all programs for the surrounding neighborhoods and outlying communities.

Statistics show that within our area's population, over 11,000 adults have less than a ninth grade education. This facility would provide a means to reach students wherever they are at their current educational level and get them ready to attend college or enter the workforce. Also, through coordinating volunteer agencies, this facility would serve as a referral resource center for people who need physical or economic assistance

As a result, this facility would benefit low-to-moderate income members of the regional population. From 1997 figures, total regional population is estimated at 93,600 people. Of this population, approximately 10,172 people are low income. Currently, approximately 60% of the ASUMH student body receive financial aid.

One year Construction/ Matching Funds

In reference to a one-year construction plan, there are currently tentative existing architectural plans and this administration has a record of completing previous construction projects on time. Land available for the construction site would provide matching funds of approximately \$250,000 with accommodating infrastructure (lighting, parking, utilities) of \$150,000 for a total

of \$400,000. This would serve as a match for funds. Additional funding will be obtained in the community to provide an endowment for the ongoing needs of the facility.

Closure

Although we are not a minority community or Appalachia, we are an isolated rural community in the Ozark Mountains. The specific goals of the Economic Development Initiative grants address the glaring needs of many of the citizens of our region. Funding of the Vada Sheid Community Development Center will have a substantial impact on the lives of our citizens.

ECONOMIC DEVELOPMENT INITIATIVE

Arkansas State University Mountain Home (\$12 million)

As we enter a new century, we must work to expand and improve educational opportunities for all Americans. This is especially true in rural states like Arkansas where only 13 percent of residents have a college degree. The quality of educational services and facilities at Arkansas' colleges and universities is an important factor in preparing my state to grow economically and compete successfully in the global marketplace.

In April, Arkansas State University will open a new campus in Mountain Home, a small town with 9,000 residents in the Ozark Mountains. Unfortunately, the campus lacks a suitable multipurpose auditorium which would serve the university and five neighboring counties with a per capita income well below the national average. Currently, large events are being held in the sanctuary of a local church. This venue seats only 250 people and it is not compatible with presentations or events which require certain technological and acoustical capabilities.

The proposed auditorium could accommodate 2,000 people and would serve as an impetus for economic development and job creation in the region. In addition to university lectures and cultural events, the complex would host workforce training seminars for underemployed residents and provide continuing education workshops for law enforcement officers, health professionals and others. Furthermore, this center would establish a central location that could house many community service providers such as TRIO and adult education programs which benefit moderate and low-income households. I am requesting \$12,000,000 for construction of this facility which will unite and strengthen an isolated and economically disadvantaged region in my state. At present, Arkansas State University has provided \$400,000 in matching funds.



United States Senate Committee on Appropriations

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Subcommittee on Veterans, Housing and Urban Development

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Missouri

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Larry Craig, Idaho

Kay Bailey Hutchison, Texas

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Barbara Mikulski, Ranking Member
Maryland

Patrick Leahy, Vermont

Frank Lautenberg, New Jersey

Tom Harkin, Iowa

Robert Byrd, West Virginia

REV. VELMA GORHAM'S PRISON MINISTRY FOUNDATION

P.O. BOX 2755
HYATTSVILLE, MD, 20784-1145
100 AUG U.S.A.

Phone 202-635-0100
Email:childrensmarch@hotmail.com

FAX COVER SHEET

Date: July 26, 2000

To: Betty Currie, Executive Assistant to the President

Fr: L. Queen, Administrative Assistant

Re: Letter of Introduction in Support of Clemency for Frank Gorham, Jr.

Fax #202-456-1210

Phone #202-456-1414

Pages 3

Message

Please expedite this matter and assist us in getting an appointment for the Honorable Rev. Velma Gorham, D.D., the Mother of the applicant for clemency. We are aware of the normal procedures involved with going through scheduling and advance, however, time is of an essence in this matter. Our recent meeting with His Majesty, King Mohammed, VI. (Morocco), has uncovered pertinent information not previously known that should be instrumental in Mr. Clinton's decision in this case!

***Remember, 100 years from now it will not matter what car you drove, what house you lived in or what office you held! The only thing that will make a difference is what you did to improve the life of a child!!**

TIME SENSITIVE

8/11/00
Send to Burkhardt ✓
Yes ✓
No _____

cc:
Counsel
Scheduling
NSC ——— and.

REV. VELMA CONNOR'S PRISON MINISTRY FOUNDATION

P.O. BOX 2755
HYATTSVILLE, MD. 20784
U.S.A.

Phone 202-635-0100
Email: childrensmarch@hotmail.com

July 26, 2000

Honorable William Jefferson Clinton
President of the United States of America
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20005

**Re: Letter of Introduction In Support of Clemency for Frank Gorham, Jr., Prisoner
of the Viet Nam War**

Dear Mr. Clinton:

On July 6, 2000, we had the occasion to meet with your Pardon Attorney, Roger Adams, in an attempt to share with him, information, that would support a plea for clemency in the case of **Frank Gorham, Jr.**, a victim of the Viet Nam War.

In our meeting with Mr. Adams, we made him aware of the fact that Frank Gorham, Jr. has suffered for the last **30 years** in prison for the decision he made to serve his country when he was but a lad of 17 years of age. He volunteered to join the **United States Army** and became a member of the **101st Airborne Division** where he would make hundreds of jumps from aircraft into enemy territory in the dense forest of View Nam at the height of the War. His courageous, behind enemy lines, fighting techniques, would earn him the coveted **Combat Infantry Badge**, which required **active combat** for 4 consecutive months! It was here that **Frank Gorham, Jr.**, demonstrated what being a soldier in the Viet Nam War really entailed!!

In the end, the same system he fought so hard to support would turn it's back on him, deliver cruel and unusual punishment against him when he could no longer kill women and children behind enemy lines, and imprison him for 30 years!! Without considering his exposure to **Agent Orange**, which has greatly impaired his vision causing temporary blindness for periods of time, to date he has received no medical attention. Never has anyone considered the fact that his problems were directly tied to his involvement in the Viet Nam War, and at the time of his alleged crimes, he was a victim of **Post Traumatic Stress Syndrome!!** Instead, he has been treated like a common criminal, thrown into prison for 30 years and forgotten!

Somehow, Mr. Clinton, we do not believe you would support or condone such, if you were but aware of it's existence! For that cause, this communication is being sent to your attention to allow you the opportunity to look closely at what has happened here in hopes that you will rectify this situation, as we have exhausted all other remedies in this matter.

Page 2 of 2

In closing, Mr. Clinton, we are respectfully requesting that you plan to meet with the Mother of this prisoner of war, the **Honorable Rev. Velma Gorham**. She has gone beyond the call of duty as she performed **30 years** of volunteering on behalf of the disadvantaged of our various communities, nationwide.

Further, Rev. Gorham has been honored by two (2) mayors of Washington, D.C., **Honorable Marion Barry** and **Honorable Anthony Williams**, for her extraordinary commitment to the underprivileged. As a musical therapist, doctors have proclaimed that her music has meant more than medicine for many of the mentally challenged she has assisted. In addition, she was saluted as the **first woman Chaplain** in the history of the **D.C. Department of Corrections**, during which time she has developed and implemented programs for incarcerated women with children. She was also strongly involved with the **Million Mom March**, and used her numerous contacts and access to radio to motivate public involvement.

Please consider the importance of meeting with her as soon as possible so that she may shed greater light on the plight of her son in hopes of influencing a favorable decision to grant clemency for **Frank Gorham, Jr., Viet Nam Prisoner of War!**

With Honor, Respect and Dignity,



LaShaun Queen
Administrative Assistant

Send Sec



July 28, 2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

00 AUG 1 AM 9:54

Dear Mr. President:

As you know for the past seven years, Israel Policy Forum has been the largest organization of centrist Jewish leaders focused exclusively on responsibly supporting the Middle East peace process. We are extremely grateful for the enormous personal effort you have just made to facilitate an agreement between Israel and the Palestinians. As you have repeatedly stated, securing an Israeli-Palestinian agreement will advance U.S. national security interests in the Middle East and throughout the world. There is no greater service to Israel, or indeed to the Jewish people, that you could have made. As the primary polling institution of American Jewish opinion on this subject, we can say with confidence that American Jews across this great country share these views.

At Camp David, the future of the First and Second Temple founding by King David. IPF capital of Israel and that the I also believed that making the retarded the peace process. core issues, including Jerusa

8/1/00
Bork
Send to NSC?
Coordinate with NSC
Yes
No

Jerusalem, the site of and history since its in the undivided ne, like you, we have isions and could have greed to defer certain

Now, at long last, serious dis Minister Barak put forth serio the concerns of both Israelis respond in kind.

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oth you and Prime at take into account Arafat has yet to

With the status of Jerusalem far-reaching agreements to I stated differences about Western Jerusalem but they can must agree many other issues in the coming weeks and months, including the ultimate disposition of parts of East Jerusalem and parts of the Old City. We understand that the United States must be able to continue playing a constructive role in helping to facilitate agreement on these issues. At the same time, with Israel's proposals on Jerusalem finally on the table, we see no remaining benefit to deferring the embassy move indefinitely. Indeed, this longstanding issue of concern in U.S.-Israel relations should not be allowed to linger past the conclusion of the current round of initiatives between the parties and we encourage you to take steps to move the embassy at such time.

cc NSC



July 28, 2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

As you know for the past seven years, Israel Policy Forum has been the largest organization of centrist Jewish leaders focused exclusively on responsibly supporting the Middle East peace process. We are extremely grateful for the enormous personal effort you have just made to facilitate an agreement between Israel and the Palestinians. As you have repeatedly stated, securing an Israeli-Palestinian agreement will advance U.S. national security interests in the Middle East and throughout the world. There is no greater service to Israel, or indeed to the Jewish people, that you could have made. As the primary polling institution of American Jewish opinion on this subject, we can say with confidence that American Jews across this great country share these views.

At Camp David, the future of Jerusalem was broached for the first time. Jerusalem, the site of the First and Second Temples, has been central to Jewish faith, culture and history since its founding by King David. IPF has always held that Jerusalem must remain the undivided capital of Israel and that the U.S. embassy belongs there. At the same time, like you, we have also believed that making the move prematurely could have inflamed passions and could have retarded the peace process. We were mindful that, at Oslo, the parties agreed to defer certain core issues, including Jerusalem, to the last stage of the process.

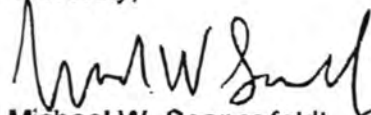
Now, at long last, serious discussions on Jerusalem have taken place. Both you and Prime Minister Barak put forth serious, far-reaching proposals on Jerusalem that take into account the concerns of both Israelis and Palestinians. Unfortunately, Chairman Arafat has yet to respond in kind.

With the status of Jerusalem and other core issues thus engaged, there is a chance for far-reaching agreements to be reached by year's end. The parties reportedly do not have any stated differences about Western Jerusalem but they still must discuss many other issues in the coming weeks and months, including the ultimate disposition of parts of East Jerusalem and parts of the Old City. We understand that the United States must be able to continue playing a constructive role in helping to facilitate agreement on these issues. At the same time, with Israel's proposals on Jerusalem finally on the table, we see no remaining benefit to deferring the embassy move indefinitely. Indeed, this longstanding issue of concern in U.S.-Israel relations should not be allowed to linger past the conclusion of the current round of initiatives between the parties and we encourage you to take steps to move the embassy at such time.

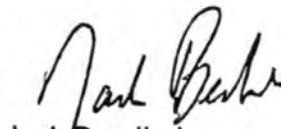
-2-

Mr. President, we were heartened by your strong words of support for Israel and the peace process, which were broadcast on Israel Television today. We hope you will continue to make every effort to mediate an agreement, and to give this perspective on the embassy move your full consideration. You can count on our support for your efforts to reach a secure and lasting peace.

Sincerely,



Michael W. Sonnenfeldt
Chairman and CEO



Jack Bendheim
President



Theodore R. Mann
Executive Committee Chair

JEFFREY M. STERN & SUSAN K. STERN
39 PARK ROAD
SCARSDALE, N.Y. 10583

00 AUG 1 AM 9:54

July 26, 2000

President Bill Clinton
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to thank you for your exceptional and courageous leadership on behalf of the Middle East peace process.

Although we are all disappointed that no agreement was reached at Camp David, all Americans should be proud of the role that the United States under your leadership played in trying to end the 100-year old conflict.

The countless hours that you gave to the summit – in fact your boldness in convening the parties – are testimonial to your persistence and dedication to bring peace to the region.

Take solace that the American Jewish community recognizes the high priority you have placed on advancing the peace process and applauds your hard work. The unstinting effort by you and your foreign policy team is in the finest tradition of America's world leadership. We hope that you will continue your peace-making efforts in the remaining months of your Administration.

Again, thank you for your dedicated efforts on this critical matter.

Sincerely,

Susan & Jeff Stern

cc: Vice President Al Gore

8/1/00

Send to Burchardt

Yes ☒

No ☐

coordinate w USC

Yes ☒

No ☐

Carl



8/1/00

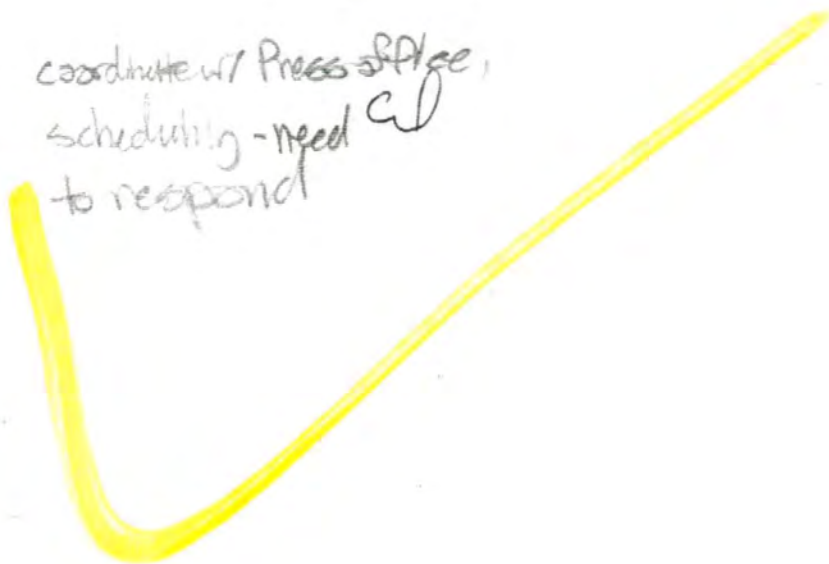
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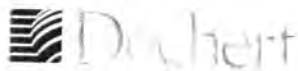
Send to ~~Scheduling~~?

Yes ☒

No ☐

coordinate w/ Press office,
scheduling - need *cl*
to respond





William T. Coleman, III
Direct Tel: 215 994 2383
William.Coleman@dechert.com

*cc: Peter
Ogden
Must keep
(see call log)
is a Yale
roommate
of Peter?
NO
cc: Murray*

July 26, 2000

William Jefferson Clinton
The President of the United States
c/o Ms. Nancy Hernreich
Deputy Assistant to the President
for Appointments and Scheduling
Office of the President
The White House
Washington, DC 20500

Dear President Clinton:

I am writing on behalf of my step-daughter, Ms. Flavia Colgan, whom you met at the D-CCC fundraiser held in the Philadelphia City Hall, at which time you sat next to Michael Simpson. In view of your Presidential responsibilities, I am most hesitant to call upon our past friendship to make a request of a personal nature. Consequently, I only do so based on the belief that a consideration of this request will serve the interest of the Presidency, the public interest, important constituencies you may wish to address, as well as your legacy.

As Flavia's step-father, I have known her since she was one year old. Like most parents, I think she is a remarkable young woman who has extraordinary potential. In Flavia's case, there happens to be some objective evidence that confirms my natural bias. As she puts it, she was raised by the UN. Her mother is Brazilian, her natural father is Irish, and I am African-American. She speaks fluent Portuguese, Spanish, and can read Sanskrit as a result of her Eastern Religion major at Harvard, where she graduated Magna Cum Laude. Until she injured her back, she was on the women's crew team, a sport which Harvard has traditionally dominated.

Since returning to Philadelphia she has become deeply immersed in the political and civic affairs of the City. Both Tommy Leonard and Representative Patrick Kennedy will attest to her formidable fundraising skills. She has been recruited by a start-up local minority owned all news television station called Philly TV News, to serve as a producer and host for both a weekly, issue based, solution oriented magazine show as well as "Cross Campus", a program aimed at younger audiences. Ray Nunn, a former Program Director for the Oprah Winfrey show, who is working at the station on a consulting basis has agreed to executive produce Flavia's programs in an effort to nurture a talent he feels will be successful in the industry.

Flavia is deeply concerned about the perception of alienation, cynicism and disengagement of her generation toward the political process in particular and public affairs in general. She is also concerned about minorities and other groups who have felt disenfranchised from the political process. As a representative of her generation, she would like to conduct a 15 minute interview of you for her station and perhaps for syndication, in

which she explores these issues. She is curious about whether you agree with the perception that her generation is disengaged, and if so, the reasons for it, whether it is necessarily a negative development (it might be the predictable response to peace and prosperity and a society which seeks fulfillment through family values and inner personal development), and what might be done to change it. She is also interested in your personal odyssey. What impelled you to become involved in public affairs and what were the circumstances that led you to believe that you had a capacity, first at the local and state level, and eventually the national level, to make a difference? And after a long political career, are you still convinced it is one of the most effective ways to impact positive change? She is interested in your perspective as to why and how you are able to motivate and engage with minorities so well in the political process. Finally, she is interested in what you view as the key elements of the legacy you will leave to the members of her generation, not only as the leader of the country, but from the personal perspective of a father who happens to have a daughter who is a member of the same generation.

Flavia and I certainly recognize and appreciate the reasons you rarely grant interview requests. This request warrants consideration only in the event you believe the concept is compelling. I therefore felt it might be a disservice to both you and Flavia if I did not give you the opportunity to consider the idea. Moreover, having known both of you, I am uniquely aware of a potential chemistry between the two of you that might add a special dynamic to the discussion. If you find the concept compelling, I can state with a strong degree of confidence, which is predicated on more than mere parental pride, that you would be unlikely to find a more competent or engaging generational representative.

Flavia will obviously make herself available to you at your absolute convenience. She lives in Philadelphia and will have credentials for the Democratic Convention in August. She has a tape of an interview which she previously conducted with Prince Albert of Monaco which will provide you an idea of her style, personality and approach in conducting interviews, and would be happy to provide your staff any additional information that may be of interest to you.

By the way, I have enclosed the announcement of my affiliation with my new firm.

My best regards.

Sincerely,


William T. Coleman, III

WTC/ads

cc: Ms. Flavia Colgan



STEPHAN SAVOIA / Associated Press

Voters under 25 lean to the right, one poll discovers

By Molly Cummins

INQUIRER WASHINGTON BUREAU

WASHINGTON — Young Americans 18 to 24 are ripe targets for Republicans during their convention, according to a poll released yesterday by Northwestern University's Medill School of Journalism.

A majority of the young people interviewed in the nationwide survey revealed themselves to be conservative in their choice of political party and presidential candidate, and in their positions on the issues.

At the same time, they said they felt disconnected from the political process, which presents a challenge to both Republicans and Democrats. The telephone survey of 1,008 people ages 18 to 24 was conducted for Medill in late June by the Campaign Strategy Group, a consulting firm. The poll's margin of error was 5 percentage points.

The GOP holds an early advantage: 44 percent of these "Generation Y" members said they planned to vote for George W. Bush compared with 32 percent for Democrat Al Gore.

A strong plurality of 41 percent said they felt some allegiance to the Republican Party, versus 28 percent leaning toward the Democrats.

More than two-thirds of the respondents described themselves as generally conservative or moderate. Less than one-third identified themselves as generally liberal.

"To the degree that we live under the myth that the young are more liberal than their parents, it's just that: a myth," said Stephen Hess, a political analyst at the Brookings Institution, a centrist think tank.

Generation Y has grown up under conservative presidents, beginning with Ronald Reagan and George Bush. "Even Bill Clinton had a conservative Congress and also moved to the center or the right in the Democratic Party," Hess said.

politics in recent years, much like their parents. Young people today may appear more liberal than their elders — with blue hair and nose rings — but their tastes in fashion do not necessarily mirror their political views, Hess said.

Their conservatism is especially evident on key social issues: Nearly two-thirds of those interviewed said they favored a law requiring females under 18 to notify their parents before getting an abortion. Thirty percent said they would use the national budget surplus to pay down the debt, while only 20 percent said they would spend it on domestic programs. Three-fourths approved of tax-subsidized vouchers for children to attend private schools, a cornerstone of the Bush campaign.

Even so, there were notable exceptions to the conservative trend: Two-thirds said gays should be admitted to the military, and more favored passing new

gun-control laws rather than enforcing existing laws more strictly. But it may not matter where Generation Y stands on anything: "The fact that they are conservative or anything may have very little effect ... unless they take their role at the ballot box more seriously," Hess said.

Voter participation has declined more precipitously among people 18 to 24 than among any other segment of the population. In the 1996 presidential election, less than one-third of the respondents then eligible cast ballots, and in 1998 midterm elections, only 15 percent did so. Experts predict less than 30 percent of 18- to 24-year-olds will turn out this fall.

The Medill School conducted its poll as part of a yearlong effort to influence news coverage to reach more young voters, but more than half the respondents said they were following the campaign "not too closely" or "not at all."

Respondents also said that they felt disconnected from politics.

unning mate

begins Aug. 14 in Los Ange-

cial contenders include minority Leader Richard A. of Missouri, former Sen. Mitchell of Maine, and an Bayh of Indiana, Bob of Florida, and John F. Kersachusetts.

ing to pick the person who can become president on a notice if necessary, who a good working relationship, or the prospect of who shares my values — who's willing to fight for d not the powerful," Gore

poke after a day of cam- in Michigan and Ohio, key und states where he tout- nvironmental record and ion members.

nd Rapids, Mich., he apt- a riverfront park with f the Sierra Club to accept 's endorsement.

that the polluters and the

badge of honor," Gore told a gathering of union members and Democratic Party activists at the park.

Sierra Club president Robert Cox told the group that Bush would "undo, undercut and weaken many of the environmental gains our nation has achieved."

"We could face what the people of Texas are facing now," he said. "Air pollution, water pollution, toxic waste, record numbers of violations of our clean-air and clean-water standards, environmental laws unenforced, and corporate polluters unchecked and out of control."

Bush spokesman Dan Bartlett said the Texas governor had a solid record of fighting pollution and was proud of it.

In Cleveland, Gore greeted construction workers in hard hats at the site of a new federal courthouse. He also met with members of the United Steelworkers of America. He told them he would raise the minimum wage, fight for workplace safety protections, expand

Simultaneously, younger voters

Molly Cummins' e-mail address is

THAT HISTORY IN BLYTHEVILLE

316 West Main Blytheville, AR 72315 870-763-3333 bookstbly@missconet.com fax 870-763-1125
www.tbib.com

July 24, 2000

Dear President Clinton,

The purpose of this letter is to update you on the progress with the NPS and the Archeological Heritage and Education Center for the Lower Mississippi Valley and to ask for your help.

The interim report was published June 8, 2000 and is attached. You can also find the report at www.mwac.nps.gov.

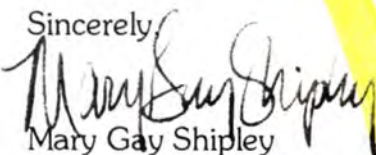
We are pleased that the professionals' findings validate the national significance and the research potential of the prehistoric sites in this area. They also recognize the uniqueness of such a center that would focus on the Mississippian Culture in the Mississippi River Delta. "Preservation, study and interpretation of this important component of the nation's cultural heritage would be a valuable addition to the National Park System."—from the suitability and feasibility section of the report.

With this validation, we need to move forward to make this a reality and would love to see it as a part of your efforts on behalf of the delta. Senators Lincoln and Hutchinson have introduced S 1096 and Representative Berry has introduced HR 1521. Could you add this to the National Park System by Executive Order? This could be the crown jewel in the Delta's Heritage Tourism efforts.

I hope you will make this a part of the National Park System by Executive Order. You can use the runway at the former Eaker Air Force Base for a fly-in announcement. As you know, it is a rather large but not very busy runway. Or it could be a part of the Tourism Conference the DOT is planning for October.

I know you read my mail without a Grisham book attached; but just in case, I've included the published parts of John's novel about his childhood in the cotton fields of northeast Arkansas.

Sincerely,


Mary Gay Shipley

Send to Bushhardt?

Yes ☒

No ☐

BC Sig

C. A

An Archeological Heritage and Education Center for the Lower Mississippi Valley Interim Report

Prepared by
The Midwest Archeological Center
National Park Service
June 8, 2000

During the week of May 8-12, 2000, a study team from the National Park Service, Midwest Archeological Center visited archeological sites in New Madrid, Pemiscot and Dunklin counties, Missouri, and Mississippi, Greene, Craighead, Crittendon Counties, Arkansas. The Special Resource Study Team was assisted in locating sites by Dr. Claudine Payne and Mr. Marion Haynes of the Arkansas Archeological Survey, Blytheville Station. This letter provides a summary of some of the observations made by the Special Resource Study Team and presents three potential options for establishing an Archeological Heritage and Education Center for the Lower Mississippi River Valley.

Special Resource Study Team:

Mark Lynott, Manager, Midwest Archeological Center,
(402) 437-5392, ext. 107, mark_lynott@nps.gov

Anne Vawser, Archeologist, Midwest Archeological
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Archeological Heritage and Education Center Concept

The Study Team requested input on the nature of the proposed Center through correspondence and conversations with professional archeologists familiar with the Lower Mississippi River Valley, public meetings in Blytheville, and correspondence with Tribal governments, and other elected officials. On the basis of this input, the Study Team feels that the Center concept should focus on the Mississippian Culture in the Lower Mississippi River Valley, which dates roughly from A.D. 800 to A.D. 1600. There is no intention of limiting research or interpretation of earlier or later cultural manifestations, but the emphasis

on the Mississippian Culture provides a temporal and cultural focus that is consistent with the structure of other archeological parks in the National Park System. The presence of the Eaker Archeological Site (3MS105), proximity to Chickasawba Mound (3MS5) and availability of facilities at the former Eaker Air Force Base make Blytheville, Arkansas a logical location for the Archeological Heritage and Education Center. Previous examination of these resources by an NPS Study Team indicated that the facilities and resources at Blytheville alone were insufficient to justify creation of a new unit of the National Park System. Consequently, this Study Team has expanded the scope of the study to include other sites in reasonable proximity to Blytheville. Geographically, the Study Team has elected to focus on a Core Study Area within 50 miles of Blytheville. This would potentially include sites in northeast Arkansas, southeast Missouri, and western Tennessee. The recent site visit to this area demonstrated that there are numerous significant archeological sites within this Core Area, and the 50-mile limit represents a reasonable driving distance for people visiting the Center and wishing to see other sites associated with the Mississippian Culture. The Archeological Heritage and Education Center would have interpretive exhibits and programs and direct visitors to other sites in the region with public access. To offer an interpretive program for the entire Lower Mississippi River Valley, the Center would create interpretive partnerships with a wide range of agencies, parks, and landowners who are willing to encourage the public to visit archeological sites on lands they own/manage. This latter component of the Center might involve partnerships with sites from as far north as St. Louis, Missouri and south to the Gulf of Mexico, and incorporate sites that span the entire temporal scope of the Mississippian culture in the Lower Mississippi River Valley.

National Significance

The Mississippian Culture represents the last and most complex stage of prehistoric Native American cultural development in the southeast and midwest United States. The main features of the Mississippian culture were initially identified by archeologists working in the Central and Lower Mississippi River Valley (Holmes 1886, 1903), and the Mississippian archeological complex was named after that region. Large temple mound sites associated with the Mississippian Culture are found elsewhere, but these sites are particularly numerous and impressive in the Mississippi River valley and its primary drainages. Mississippian culture is characterized by palisaded towns and villages with temple mounds, maize-based agriculture, and the presence of a wide range of highly artistic artifacts associated with status in Mississippian chiefdoms. Among the latter characteristics, highly developed ceramics are well known and prized by collectors, and represent the

reason for much of the vandalism and looting that threatens these sites today.

Archeologists have been impressed by the archeological research potential of prehistoric sites in the northern portion of the Lower Mississippi River Valley since the nineteenth century (Conant 1879; Potter 1880; Thomas 1894). During the first half of the twentieth-century, archeologists continued to record and excavate sites, and publicize the importance of the archeological record in this region (Moore 1910, 1911; Walker and Adams 1946). During the last half of the twentieth-century, archeologists began to build a chronology and interpret the prehistoric sequence of events and cultural processes that led to the development of the Mississippian Culture (Phillips, Ford and Griffin 1951; Williams 1954; Morse and Morse 1983; O'Brien 1994; O'Brien and Dunnell 1998). Although the area is widely regarded as being of great archeological significance, research in this region has been limited in proportion to the number and significance of the archeological sites in this region.

Suitability and Feasibility

Although a number of state parks interpret and preserve Mississippian Culture sites (e.g. Cahokia, Parkin), and several significant Mississippian sites are preserved within existing National Park Service units (e.g. Arkansas Post, Natchez Trace), no unit of the National Park System focuses on the Mississippian Culture in the Mississippi Delta region. Preservation, study and interpretation of this important component of the nation's cultural heritage would be a valuable addition to the National Park System. Locating the Archeological Heritage and Education Center at Blytheville, AR on Eaker Air Force Base would be feasible for at least three reasons: 1) The area is easily accessible from I-55, 2) the Air Force Base is owned by the government and could be transferred to the National Park Service for creation of the Center, 3) establishing the Center could ensure continued long-term protection and public use of the Eaker site, a National Historic Landmark.

Threats to Contributing Properties

Nearly all of the archeological sites in the Central and Lower Mississippi River Valleys are threatened with either ongoing degradation or imminent destruction. The two factors which most threaten these important components of the nation's heritage are agriculture and looting. Agriculture is the major industry throughout this region, and through the process of on-going cultivation or land-leveling, most sites are being destroyed (Davis 1972; Ford and Rolingson 1972; Medford 1972). Sites which are not threatened by agricultural practices are likely threatened by looters, who illegally excavate graves and other features in search of pots, or other artifacts which can be sold in flea markets, art auctions, or even exported for international sale (Davis 1972; Harrington 1991). Looting has a long history in this region, and thousands of pots have been dug for sale to museums and collectors all over the world. Based upon the number of known "head pots" from the Campbell site,

Pemiscot County, Missouri that are currently in private collections, it is likely that literally thousands of graves have been looted at this site alone (O'Brien and Holland 1994: 210-212). Establishing the proposed Archeological Heritage and Education Center may serve as a catalyst to educate landowners about the importance of protecting the nation's cultural heritage.

Management Options

The Study Team feels that three options for preserving, protecting, studying, and interpreting the archeological resources in the Core Study area should be considered.

#1- The Center would include the sites located on Eaker Air Force Base and be managed by a local government agency or private foundation in association with the Arkansas Archeological Survey Blytheville Station. The Center would not be associated with the National Park Service.

#2- The Center would include an interpretive and education center managed by a local government agency or private foundation, the sites located on Eaker Air Force Base, Chickasawba Mound, and the Arkansas Archeological Survey Blytheville Station. The Center would be an Affiliated Area of the National Park Service.

#3- The Center would include an interpretive and education center, archeological curation facility, archeological research facility located at Eaker Air Force Base, and include the sites at Eaker Air Force Base, Chickasawba Mound, and at least six other sites within the Core Study Area. The Center would also study and interpret the earthquake history of the region, and develop interpretive partnerships to expand the interpretive scope of the Center to include the Lower and Central Mississippi River Valley. The Center and associated archeological sites would become a unit of the National Park System.

Preservation options

If Option #3, as described above is implemented, it will be necessary to include sites in it that are not located on the Eaker Air Force Base. Sites included within the park as outlined in Option #3 would be preserved for future research and ongoing interpretive programs. Preservation of archeological sites included in the proposed park may be achieved by a variety of options, including but not limited to purchase from willing sellers, donation, conservation easements, leases, exchanges, or cooperative agreements.

Request for Input

As the Study Team continues to prepare a Special Resource Study report assessing the archeological resources associated with the Mississippian Culture in the Central and Lower Mississippi River Valleys, we request your comments on the three options briefly outlined above. We also welcome any ideas you might have as to how sites in this area could best be preserved and/or interpreted within

the concepts outlined in this interim report. To assist us in meeting our goal of generating a final report by October 1, 2000, we ask that you call, mail, email or fax comments to us at the addresses at the beginning of this interim report by July 10, 2000.

Archeological Sites Visited in May 2000

Based on brief site visits, the sites described below have been placed in one of two categories. Sites that are obviously significant and a high priority for preservation are listed first. We were not able to gather sufficient information during the brief visit to make evaluations of the second set of sites without further investigation. Site that are listed on the National Register of Historic Places are indicated by NR following the description. Site designated as National Historic Landmarks are indicated by NHL.

Sites with High Preservation Priority

Missouri Sites

Langdon: One mound with a private home on in. (NR)

Lilbourn: One large mound with historic graves and one smaller mound to north. Also a possible additional mound remnant and an associated fortified village site. (NR).



Murphy: A very large mound with dense trees and brush adjacent to a main road. A village site may also be present. This is the largest existing mound in Missouri. (NR)

Wallace Site: A possible platform mound with historic graves and second smaller mound. A village site may also be present. (NR)



Arkansas Sites

Bay Mounds: Two very large mounds covered with trees and surrounded by cultivated fields. (NR)

Berry Cemetery: One small mound in a cultivated field with one historic grave and a possible occupation site.



Chickasawba: This large mound site is located just south of Blytheville and is surrounded by a village site. (NR)

Emrich Place: One large mound in a cultivated field visible from highway 63. The mound contains trees and an historic cemetery.

Knappenberger: A very large site with a small mound and visible house locations.

McClellan: The site consists of a very large mound and possible village site in a surrounding cultivated field.



Richard Bridge/Cemetery: A single small mound with historic graves and a possible occupation site. Near an historic Breezeway house.

Schugtown Mounds: One large mound in the center of cultivated field and one mound partially destroyed by road construction. A village site may be present.



Sherman: A three tiered mound located just off Highways 61 and 198. A village site may be present.

Wildy Place: A small mound at the edge of a road and a village site in the surrounding cultivated field.

Sites that Need Further Investigation

Missouri Sites

Barry: Location of a village site.

Brooks: Location of a village site with earthquake features.

Campbell: Location of a village site. (NR)

Delta Center Mound: A small mound in a cultivated field on property of the Delta Research Center. (NR)

Double Bridges: Location of a mound that appears to have been destroyed. (NR)

Arkansas Sites

Armored: A small mound or rise with a house located just off a local road and may include a village site.

Bradley Place: The possible location of a mound just to the west of the Mississippi levee.

Dell Mounds: A single mound near a home on private property with historic graves.

Floodway Mounds: Location of a former mound site.

Floodway/Little River: The location of three destroyed mounds and very deep cultural deposits being eroded by the Little River.

Gant: A small, low, rectangular mound with historic graves in a cultivated field which may contain a village site.

Go Lightly: A low rise on natural levee on old stream drainage that may be a former mound.

Lambethville Cemetery: Three mound remnants that contain historic graves in a cultivated field.

Miller Place: One small mound near a farm house and another mound behind house near a barn.

Number Nine: A village area in a cultivated field near the town of Number Nine and a small mound in the town center with an historic cemetery.

Potters Mound: The site contains two mounds, one with a cemetery and one that probably had a house on it. A village site is also present.

Shawnee Village: A village site in a cultivated field with a slight rise which may be the mound remnant.

Turnage (Stoffle): Location of a former mound site.

Turnbow Site: The site consists of a possible mound just behind a house with an equipment yard on it.

Upper Nodena: The location of three mounds and a large village site extensively excavated in the 1940s. (NR)

Wapanocca Mound: A slight rise in a cultivated field indicating a mound remnant.

Wapanocca Site #2: Two mound with trees and brush and historic graves at the very edge of Mississippi River levee and a cultivated field.

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This document and full size, color photographs of the sites are available on our web site at www.mwac.nps.gov

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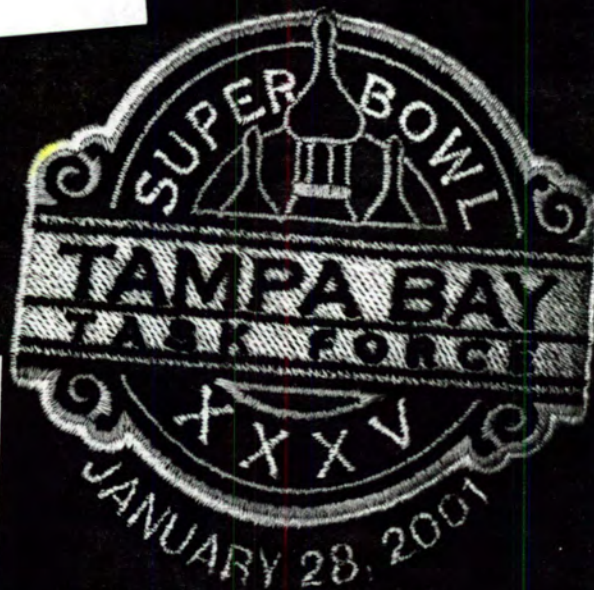
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March 2000



With the Compliments
of
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425-1-1

THE WHITE HOUSE
WASHINGTON

August 1, 2000

MEMORANDUM FOR THE PRESIDENT

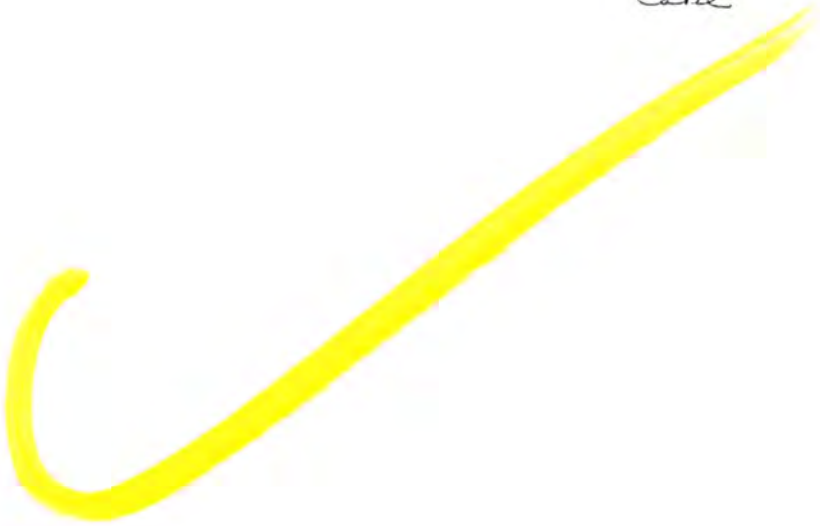
FROM: BETH NOLAN 

SUBJECT: Executive Clemency Warrant for Juan Raul Garza

Pursuant to your decision, attached and ready for your signature is the warrant granting a reprieve of the date for execution of the death sentence imposed upon Juan Raul Garza from August 5, 2000, to December 12, 2000, and setting December 12, 2000, as the new date for execution of the death sentence.

The warrant has been reviewed and approved by our office.

Copied
Nolan
Cane



Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME. GREETING:

WHEREAS JUAN RAUL GARZA was convicted in the United States District Court for the Southern District of Texas on an indictment (Criminal No. B-93-009) charging violations of Sections 963, 952(a)(2), and 960(b)(1)(G) of Title 21, United States Code (Count 1); Sections 846, 841(a)(1), and 841(b)(1)(A)(vii) of Title 21, United States Code (Count 2); Sections 841(a)(1) and 841(b)(1)(B)(vii) of Title 21, United States Code, and Section 2 of Title 18, United States Code (Count 3); Sections 841(a)(1) and 841(b)(1)(C) of Title 21, United States Code, and Section 2 of Title 18, United States Code (Count 4); Sections 841(a)(1) and 841(b)(1)(B)(vii) of Title 21, United States Code, and Section 2 of Title 18, United States Code (Count 5); Sections 848(a) and 848(c) of Title 21, United States Code (Count 6); Sections 848(a), 848(c), and 848(e)(1)(A) of Title 21, United States Code, and Section 2 of Title 18, United States Code (Counts 7, 8, and 9); and Sections 1956(a)(1)(A)(i) and Section 2 of Title 18, United States Code (Count 10); and on August 10, 1993, as recorded in a judgment filed on October 14, 1993, a sentence of death by lethal injection was imposed on Counts 7, 8, and 9; and concurrent terms were imposed of imprisonment for life on Counts 1, 2, and 6, for 40 years on Counts 3 and 5, and for 20 years on Counts 4 and 10; and

WHEREAS the judgment of the District Court was affirmed by the United States Court of Appeals for the Fifth Circuit on September 1, 1995, a rehearing en banc was denied by the United States Court of Appeals for the Fifth Circuit on December 15, 1995, and a petition for a writ of certiorari was denied by the United States Supreme Court on October 7, 1996, and a petition for rehearing was denied by the United States Supreme Court on December 2, 1996; and

WHEREAS the said prisoner subsequently filed a petition to vacate his conviction and sentence pursuant to 28 U.S.C. § 2255, which was denied by the United States District Court for the Southern District of Texas on April 9, 1998, and a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) and motion to alter and amend the judgment under Federal Rule of Civil Procedure 59(e), which were also denied by the District Court; and

WHEREAS an application for a certificate of appealability concerning the denial of the said prisoner's motion under 28 U.S.C. § 2255 was denied by the United States Court of Appeals for the Fifth Circuit on January 14, 1999, and a petition for a writ of certiorari was denied by the United States Supreme Court on November 15, 1999; and

WHEREAS the said prisoner has been confined continuously since his arrest on November 6, 1992, and presently is incarcerated at the United States Penitentiary at Terre Haute, Indiana; and

WHEREAS on May 26, 2000, the Honorable Filemon B. Vela set a date of August 5, 2000, for execution of the sentence of death imposed upon said prisoner; and

NOW, THEREFORE, BE IT KNOWN that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby grant a reprieve of the date for execution of the death sentence imposed upon the said **JUAN RAUL GARZA** from August 5, 2000, to December 12, 2000, and do hereby set December 12, 2000, as the new date for execution of the death sentence, *and further*, the sentences of imprisonment imposed upon the said prisoner are to continue in effect without interruption. The Director of the United States Marshals Service is hereby commanded to take notice of this action and to cause execution of the said sentence of death to be stayed accordingly.

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

DONE at the City of Washington this
second day of August
in the year of our Lord Two Thousand
and of the Independence of the United States
the Two Hundred and Twenty-Fifth.

X

William J. Clinton
President

THE WHITE HOUSE
WASHINGTON

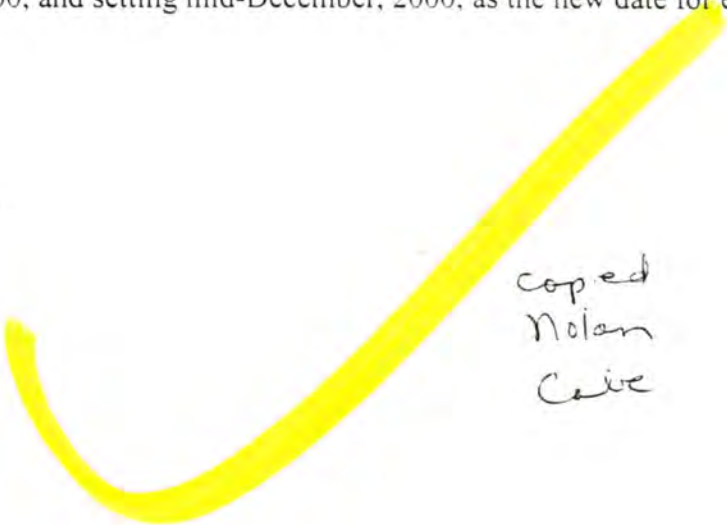
August 1, 2000

MEMORANDUM TO FILE

FROM: BETH NOLAN *B*

SUBJECT: President's Decision to Grant Reprieve to Juan Raul Garza

On Sunday evening, July 30, 2000, in my presence, the President approved a reprieve of the date of execution of the death sentence imposed upon Juan Raul Garza, from August 5, 2000, to mid-December, 2000, and setting mid-December, 2000, as the new date for execution of the death sentence.



*Copied
Nolan
Cable*

THE WHITE HOUSE
WASHINGTON

August 1, 2000

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN 

SUBJECT: New Executive Clemency Guideline Regulations Addressing Capital Cases

Pursuant to your decision, attached and ready for your signature are the new executive clemency guideline regulations addressing capital cases, as submitted by the Attorney General.

The regulations have been reviewed by our office and after your approval will be returned to the Department of Justice for filing in the *Federal Register*.

copied
Nolan
Cabe

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DEPARTMENT OF JUSTICE

Office of the Pardon Attorney

28 CFR Part 1

AG ORDER No. 2317-2000

Rules Governing Petitions for Executive Clemency: Capital Cases

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule supplements the existing regulations on executive clemency to provide specific procedures to be used in seeking clemency by persons sentenced to death by a United States District Court for an offense against the United States. This rule sets forth a deadline for filing a clemency request in a capital case and the general procedures the Department will follow in processing the request. These procedures also provide an opportunity for defendants' counsel and victims' families each to make an oral presentation to the Pardon Attorney, if they wish to do so.

EFFECTIVE DATE: This rule is effective [Insert date of publication in the **FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT: Susan M. Kuzma, Deputy Pardon Attorney, U.S. Department of Justice, Washington, D.C. 20530, telephone (202) 616-6070.

SUPPLEMENTARY INFORMATION:

Background

The current clemency regulations, set forth in 28 C.F.R. 1.1 to 1.10, do not prescribe procedures uniquely applicable to capital cases. In order to provide clear notice to capital defendants, their attorneys, and the public of the procedures by which requests for reprieve or commutation of a death sentence imposed by a United States District Court will be handled, the Department of Justice, with the President's approval, now promulgates specific procedures to be followed in capital cases. These procedures are intended to supplement the already existing clemency procedures for non-capital cases. As is true of the existing clemency regulations, the procedures for capital cases are advisory only, do not bind the President, and confer no rights on petitioners for clemency or any other person.

Section-by-Section Discussion

Section 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

Paragraph (a) of the new regulation provides that clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

Paragraph (b) addresses issues related to the timing of a

clemency petition. The rule provides for a petitioner to exhaust the direct appeal and first petition under 28 U.S.C. 2255 before seeking executive clemency, and to file a petition for commutation of sentence no later than 30 days after receiving notice from the Bureau of Prisons of the scheduled date of execution. It further provides that any papers in support of the clemency petition should be filed no later than 15 days after the petition is filed, and may be excluded from consideration if not filed within that time.

Because clemency is a remedy of last resort, a capital defendant should file his clemency petition only after the predictably available judicial proceedings concerning the case (the appeal of the conviction and sentence and the first petition under 28 U.S.C. 2255) are terminated. At the same time, because of the possible difficulty and complexity of determining whether further judicial avenues of relief (such as a successive petition under 28 U.S.C. 2255) are legally possible, the setting of an execution date should proceed once the generally available remedies have been pursued. Accordingly, once an execution date has been set (which, in the case of an execution date set by the Bureau of Prisons, will normally occur no later than 60 days after the termination of proceedings on the defendant's first section 2255 petition, and which will normally provide at least 120 days' notice of the date of execution), the defendant may file a request for reprieve or commutation of sentence and has up

to 30 days to request commutation of sentence. The deadlines for filing the commutation petition and supplemental papers are intended to preserve an appropriate amount of time to process and consider a clemency request.

Paragraph (c) formalizes in capital cases a practice of allowing an oral presentation of reasonable duration to be made to the Office of the Pardon Attorney by both the petitioner's counsel and the family of any victim of a petitioner's capital offense.

Paragraph (d) provides that clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding. In order to facilitate a prompt and final resolution of whether a defendant's death sentence will be carried out, this rule allows a defendant, after the first petition under section 2255 is terminated, to pursue clemency while litigation is pending, but provides for the suspension of the clemency proceedings when a court-ordered stay of execution is entered for a reason other than to permit the clemency proceedings to be completed. The option of suspending the clemency proceedings is consistent with the view of clemency as a remedy of last resort and helps to ensure that in making a decision about clemency, the President acts only upon a current and complete legal and factual record.

Paragraph (e) provides that only one request for commutation of a death sentence will be processed to completion, absent a

clear showing of exceptional circumstances. The limitation is designed to encourage the petitioner to raise all claims in a single request and to contribute to a swifter resolution of the case. However, if changed circumstances make it impossible to have raised all claims previously, additional petitions should be permitted.

Section 1.11 Advisory nature of regulations.

This section is the current section 1.10, renumbered as 1.11, which expressly acknowledges the advisory nature of the clemency regulations in part 1, and provides that the clemency regulations do not limit the President's exercise of his constitutional authority. Renumbering makes clear that this provision applies to the new capital clemency procedures set forth in the newly enacted section applicable in capital cases, as well as to the existing clemency provisions.

Administrative Procedure Act

This rule relates to matters of agency management or personnel, and is therefore exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date. See 5 U.S.C. 553(a)(2). Moreover, to the extent that rulemaking procedures would otherwise be applicable, the Department finds that this rule would be exempted from the requirements of prior notice and comment as a rule of agency organization, procedure, or practice. See 5 U.S.C. 553(b)(A). Similarly, the effective date of this rule need not be delayed for 30 days after

publication because the rule is not a "substantive rule." See
5 U.S.C. 553(d).

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly it has not been reviewed by the Office of Management and Budget.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it

will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

As a rule relating to agency management or personnel, this rule is also therefore excluded from the scope of a covered "rule" for the purposes of Chapter 8 of Title 5, United States Code. See 5 U.S.C. 804(3)(B). Moreover, to the extent that this rule would be considered to be a rule of agency organization, procedure, or practice, it is excluded from the scope of a covered "rule" pursuant to 5 U.S.C. 804(3)(C).

Accordingly, because this action is not a covered "rule," it is exempt from the requirement for the Department to submit a report to each House of Congress and the Comptroller General before this rule can take effect as provided in 5 U.S.C. 801(a)(1).

List of Subjects

Clemency, Pardon.

With the approval of the President, acting in conformity with his authority as Chief Executive and with Article II, Section 2 of the United States Constitution, and by virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, part 1 of chapter I of title 28 of the Code of Federal Regulations is revised to read as follows:

PART 1 -- EXECUTIVE CLEMENCY

1. The authority citation for Part 1 continues to read as follows:

AUTHORITY: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive; and 28 U.S.C. 509, 510.

2. Part 1 is amended by renumbering section 1.10 as section 1.11.

3. Part 1 is further amended by adding a new section 1.10 to read as follows:

§ 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a

death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

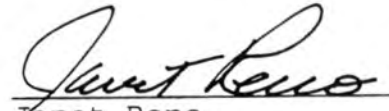
(d) Clemency proceedings may be suspended if a court orders

a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this section 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

Date: *August 1, 2000*


Janet Reno
Attorney General

Approved:


William J. Clinton
President



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 2000

MEMORANDUM FOR JANET RENO
Attorney General

Re: Proposed Attorney General Order Adding to
Current Clemency Regulations Provisions Concerning
Applications for Clemency in Civilian Capital Cases

ACTION MEMORANDUM

The attached proposed Attorney General order was prepared by the Pardon Attorney and was forwarded to this Office for review with respect to form and legality. The proposed order is a final rule that will add to the current clemency regulations a general description of how requests for reprieve or commutation of death sentences will be handled in civilian capital cases. The proposed final rule will provide that clemency in capital cases shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization. The proposed final rule also addresses issues related to the timing of clemency petitions and provides that only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

The proposed Attorney General order is approved with respect to form and legality.

Randolph D. Moss
Acting Assistant Attorney General



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

JUL 24 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *gja*
7-27-00

FROM: Roger C. Adams *RCA*
Pardon Attorney

SUBJECT: Proposed Addition to the Clemency Regulations Addressing Capital Cases

PURPOSE: To obtain the signature of the Attorney General on a proposed addition to the clemency regulations of provisions concerning applications for clemency in civilian capital cases

TIMETABLE: None

DISCUSSION: The current clemency regulations do not set forth specific procedures unique to capital cases. The proposed addition to the clemency regulations provides a general description of how requests for reprieve or commutation of the death sentence will be handled in civilian capital cases. It is the culmination of the Department's on-going consideration of the handling of post-appeal events in capital cases.

The proposed regulation has been submitted to the White House Counsel for the President's approval. Like the current clemency regulations, the proposed regulation for capital cases is advisory only and confers no rights on the defendant or anyone else. Upon approval by the President, it will provide a public statement of the procedures the President wishes to follow in considering clemency in civilian capital cases.

To provide context and background for your consideration of the proposed regulation, you may wish to consult a document entitled "General Procedures for Handling Post-Appeal Events in Capital Cases, which has been reviewed and approved by the Departmental

Memorandum for the Attorney General

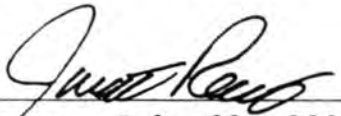
Page 2

Subject: Proposed Addition to the Clemency Regulations--Capital Cases

working group established to develop a strategy for handling post-appeal events in capital cases and is being submitted to you by separate cover. For your information, the President has recently stated that he will grant a reprieve of the August 5, 2000, execution date set by United States District Judge Filemon Vela for Juan Raul Garza to allow Garza to apply for clemency under the procedures for capital cases being developed by the Department.

RECOMMENDATION: Approval and signature by the Attorney General.

APPROVE:


Date: July 31, 2000

Concurring components:

OPD  7/24/00
OLC  7/27/00

DISAPPROVE: _____

Nonconcurring components:

None

Attachment