

OFFICE OF
THE PARDON ATTORNEY



August 3, 1972

MEMORANDUM FOR: John W. Dean, III
Counsel to the President

Attention: Mr. Pete Kinsey

Re: Petition of Angelo DeCarlo
for Commutation of Sentence --
Terminal Illness Case

Per conversation with Mr. Kinsey, attached is a copy of a July 31, 1972, memorandum to the Bureau of Prisons from Dr. Alderete, Chief Medical Officer, United States Penitentiary, Atlanta, concerning the condition of petitioner.

David C. Stephenson
David C. Stephenson
Deputy Pardon Attorney

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
UNITED STATES PENITENTIARY
ATLANTA, GEORGIA 30315

August 16, 1972

Mr. Lawrence Traylor
Pardons Attorney
Room 654 - HOLC Building
Washington, D.C.

RE: Angelo DeCarlo
Reg. No. 23521-145

Dear Mr. Traylor:

On or about the 9th of June, 1972, our Chief Medical Officer, Joseph F. Alderete, M.D., wrote to you giving you the medical background on Angelo DeCarlo for consideration with reference to a medical pardon request that had been submitted by Angelo DeCarlo's attorney, a Robert L. McHaney, Jr. At the same time Dr. Alderete submitted a memorandum to me for a recommendation for medical parole on Angelo DeCarlo on the basis of his being terminal. This was submitted through Bureau channels and ultimately to you.

As of this date we still have not had word of any decision on Angelo DeCarlo.

LETTER TO MR. TRAYLOR CONCERNING MEDICAL PARDON ON ANGELO DECARLO,
REG. NO. 23521-145.

At this time we'd like to advise you of the current medical status of Angelo DeCarlo.

Currently Angelo DeCarlo has been undergoing extensive radiation therapy in order to attempt to control the spread of the cancer from the prostate. At this time he has extensive spread of the cancer from the prostate where it was originally confined to for many years. Currently radiation therapy is reaching the point of no return. As fast as the spreading of one lesion is controlled, another one pops up. In the near future radiation therapy will no longer be effective and the only medical treatment left will be Chemo-therapy which is extremely painful and narcotic type analgesics to control the pain. He is already receiving minimal doses of narcotics to control the pain. This will slowly be increased in the future to help him tolerate the pain.

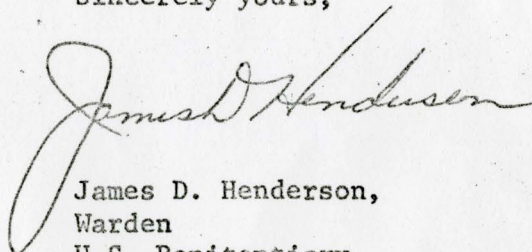
At the present time DeCarlo is experiencing difficulty in tolerating the radiation therapy. He continues to slowly go down hill and deteriorate. He has lost a great deal of weight and has lost his appetite. He is very weak and the pain is gradually increasing. He is barely able to ambulate and for the most part confined to a wheel chair. I would expect him to become bed ridden at any time now.

Page 3

LETTER TO MR. TRAYLOR CONCERNING MEDICAL PARDON ON ANGELO DECARLO,
REG. NO. 23521-145.

A revised estimate of his life expectancy at this time by my
Chief Medical Officer, Dr. Alderete, would be 3 to 6 months.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "James D. Henderson". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James D. Henderson,
Warden
U.S. Penitentiary
Atlanta, Georgia

United States Department of Justice
Office of the Pardon Attorney
Washington, D.C. 20530

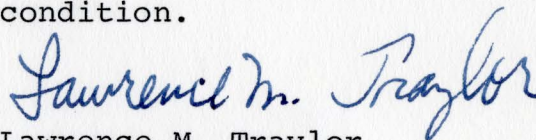
August 21, 1972

MEMORANDUM FOR:

Pete Kinsey
Staff Assistant

Re: Terminal Illness Commutation for
Angelo De Carlo

Attached is a copy of a letter from
the Warden at Atlanta giving an up to date report
on De Carlo's condition. We will keep you informed
of any changes in his condition.



Lawrence M. Traylor
Pardon Attorney

August 21, 1972

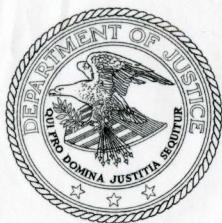
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Lawrence M. Traylor
Pardon Attorney



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

July 7, 1972

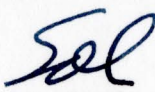
MEMORANDUM FOR: John W. Dean III
Counsel to the President

RE: Petition of Angelo De Carlo
for commutation of sentence -
terminal illness case

Attached is a recommendation of the Attorney General that the President grant a commutation of sentence to Angelo De Carlo, a prisoner at the United States Penitentiary at Atlanta, Georgia. De Carlo, who is 70 years old, is suffering from cancer of the prostate. Metastasis has set in and the prognosis is that De Carlo has less than a year to live.

The Bureau of Prisons has determined that De Carlo would be provided adequate care by his family if he were to be released.

I am also attaching a warrant for the President's signature which would commute the prisoner's sentence to expire at once.


Sol Lindenbaum
Executive Assistant to the
Attorney General

B

July 10, 1972

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN W. DEAN, III

SUBJECT: Application for Executive Clemency
Angelo De Carlo

Petitioner Angelo De Carlo is presently serving a twelve year sentence for extortion and conspiracy and will not be eligible for parole consideration until March of 1974. Petitioner, who is seventy years old, has an extensive criminal history and is reputed to be a leading member of organized crime.

Since his incarceration some two years ago, petitioner has suffered from a number of ailments, including cancer of the prostate with widespread metastasis. He is presently ambulatory, but weak, and his pain is still controlled by codeine.

Prison medical authorities advise that the spreading carcinoma has reduced the petitioner's life expectancy to three to twelve months. They recommend, with the full concurrence of the Director of the Bureau of Prisons, that the petitioner's sentence be commuted to expire at once. Arrangements have been made for the petitioner to receive all necessary medical care and treatment upon his release from confinement.

The Attorney General has recommended commutation of Mr. De Carlo's sentence. This office has reviewed his recommendation, attached at Tab A, and concurs that the requested commutation of sentence should be granted. You should be aware, however, that commutation of Mr. De Carlo's sentence may be attended by a degree of publicity because of his extensive prior involvement in organized crime.

RECOMMENDATION

That you sign the warrant attached at Tab B, commuting Angelo De Carlo's sentence to expire at once.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 18, 1972

ADMINISTRATIVELY CONFIDENTIAL/EYES ONLY

MEMORANDUM FOR: MR. JOHN DEAN

FROM: BRUCE KEHRLI *BAK*

SUBJECT: Application for Executive Clemency
-- Angelo De Carlo

The application for executive clemency for Angelo De Carlo has been reviewed and it was decided to withhold decision until September 1, at which time a prognosis on De Carlo's health should be submitted along with a warrant commuting the sentence.

If De Carlo is at death's door, commutation warrant will be signed at that time; but, if De Carlo appears able to hang on until November, the warrant will be signed on or about December 1.

Please follow up on this request.

cc: H. R. Haldeman
Alexander P. Butterfield

D

TO: Robert L. Brutsche, M.D.
Medical Director
Bureau of Prisons
Washington, D.C.

July 31, 1972

THROUGH: *[Signature]*
J.D. Henderson
Warden

FROM: Joseph F. Alderete, M.D.
Chief Medical Officer

SUBJECT: PERIODIC MEDICAL REPORT ON TERMINAL CANCER PATIENT DECARLO, ANGELO
REG. NO. 23521-145.

1. I have previously submitted this man for medical parole on the basis that he is terminal.
2. Since submission of medical parole recommendation; some new developments have come up to indicate that he is deteriorating rapidly. He has in the past fifteen (15) days lost thirty (30) pounds; he is experiencing a lot of difficulty in eating, his pain from the metastasis is increasing markedly; and he is progressively becoming weaker. At present he is barely able to ambulate and I would expect him to become bed ridden in the next 7-15 days.
3. I would appreciate this matter being brought to the attention of the Parole Board in Washington.

Joseph F. Alderete, M.D.
Joseph F. Alderete, M.D.
Chief Medical Officer

cc: Central File
Medical File
Admin. File
Office File

Note:
7/3/72
This letter typewritten to Boston Att'y's Office as per telephone conversation with Mr. Stevens, S. Raynor.

U. S. PENITENTIARY HOSPITAL

United States Department of Justice
Office of the Pardon Attorney
Washington, D.C. 20530

September 12, 1973

Mr. Davis Merritt
News Editor
Knight Newspapers, Inc.
1195 National Press Building
Washington, D. C. 20004

Dear Mr. Merritt:

This is in reply to your letter of August 29, 1973 and in further response to your letter of June 6, 1973 concerning Angelo DeCarlo.

There is attached a list of answers to the questions which you submitted. These answers should not be construed as a precedent for the release of such detailed information in other clemency cases. As you know, the DeCarlo case already has been the subject of statements to the press by Attorney General Richardson and former Attorney General Kleindienst, and much of the information which you request already has become public knowledge. A copy of the Attorney General's press release of July 5, 1973 is enclosed.

Sincerely,

Lawrence M. Traylor
Pardon Attorney

 bcc: Fred Fielding
Deputy Counsel to the President

QUESTIONS RELATING TO THE COMMUTATION OF SENTENCE
FOR ANGELO DECARLO:

1. On what date was the petition for commutation filed?
June 29, 1972
2. At what place was it filed?
Office of the Pardon Attorney, Department of Justice
3. Who signed the petition?
Robert L. McHaney, Jr., Attorney for Mr. DeCarlo
4. Who represented Mr. DeCarlo as legal counsel?
Robert L. McHaney, Jr.
5. Was there any other representation for commutation, in addition to the petition, by letter or other communication? From whom? What dates?
There were no representations for commutation, in addition to the petition, other than the official reports concerning Mr. DeCarlo's medical condition from Bureau of Prisons officials, insofar as the Pardon Attorney is aware.
6. What reasons were cited for the commutation request?
His illness
7. What other statements appeared on the commutation request?
Other than the required information concerning name, address, description of offense, dates of sentence, time of commitment, appeals information, parole eligibility, etc., the only other statement made by petitioner was an allegation of innocence.
8. Was there an exchange of correspondence relative to the request, with either Mr. DeCarlo or his counsel, or any other parties? If so, what was the content?
Mr. DeCarlo's petition was accompanied by a transmittal letter from Mr. McHaney, and this was acknowledged by the Pardon Attorney. Mr. McHaney wrote again on July 21 urging prompt action because of the seriousness of DeCarlo's condition. This was acknowledged by the Pardon Attorney on July 25. Mr. McHaney wrote again on December 8, 1972, inquiring as to the status of the petition. The letter was not acknowledged.

9. Who first read the request for commutation?
Probably the administrative assistant to the Pardon Attorney.
10. What action, if any, did that person take?
The petition was referred to the Pardon Attorney.
11. What other individuals processed the request? What action did they take?
The file was forwarded to Sol Lindenbaum, Executive Assistant to the Attorney General. The letter of advice from the Attorney General dated July 7, 1972, was transmitted to John Dean, Counsel to the President, on July 7 by Mr. Lindenbaum, by memorandum.
12. Did they make written record or memoranda on the status of their actions relative to the petition? If so, what was the content?
None aside from the memorandum and letter noted in Answer 11.
13. On what date was action completed by the Department of Justice?
July 7, 1972
14. Who made the final decision, in the Department of Justice, to approve the commutation?
The Attorney General
15. Who forwarded it to the next point outside the department? On what date? To whom?
See answer to No. 11 and 13.
16. What actions were then taken?
The President signed a master warrant granting clemency to DeCarlo and more than 200 other persons on December 20, 1972.
17. When was the petition (for other papers concerned with commutation) sent to the White House? Who received them there?
See answer to No. 11.
18. Was there telephone or other communication between the White House and the Justice Department relative to the petition?
Yes.

19. If so, between what individuals and on what date?
The Pardon Attorney, the Deputy Pardon Attorney, and the Administrative Assistant to the Pardon Attorney, had occasional conversations by telephone with Mr. Pete Kinsey or Mr. Fred Fielding of the Office of Counsel to the President concerning the condition of the petitioner. There is no record of dates.
Mr. Stephenson, Deputy Pardon Attorney, sent a memorandum to Mr. Dean on August 3, 1972, transmitting a July 31, 1972 medical report from the Chief Medical Officer at Atlanta. The Pardon Attorney's office is not aware of any other contacts.
20. When did the petition go to President Nixon for approval?
Unknown to the Pardon Attorney.
21. By whom was it sent, or placed before, the President?
Unknown to the Pardon Attorney.
22. Was the Justice Department represented at subsequent meetings at which the commutation was discussed?
There were no such meetings of which the Pardon Attorney is aware.
23. On what date did the President approve the request?
December 20, 1972.
24. On what date was Mr. DeCarlo notified of the approval?
December 20, 1972.
25. On what date was Mr. DeCarlo's attorney notified?
December 20, 1972.
26. On what date was the Department of Justice notified of the approval?
December 20, 1972.
27. On what date was the commutation announced?
There was no announcement other than the routine memorandum sent to the Office of Public Information in the case of each person receiving Executive clemency. This memorandum sets forth the name of the recipient, his address, nature of the offense, sentence received and date thereof, name of Federal court in which convicted, names of persons interested, and nature of clemency and date thereof.



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, JULY 5, 1973

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Attorney General Elliot L. Richardson said today that the commutation of the prison sentence of Angelo DeCarlo was processed by the Department of Justice in the same manner as are other terminal illness cases.

"My review of the manner in which DeCarlo was released from federal custody has shown that normal procedures were not bypassed," the Attorney General said in response to a letter from Senator Henry M. Jackson, Democrat of Washington.

Senator Jackson had asked that several high-ranking Department of Justice officials be made available for interview by staff members of the Permanent Subcommittee on Investigations. He said he also planned to question former Attorney General Richard G. Kleindienst and John W. Dean, III, former White House Counsel.

"I have spoken to Lawrence Traylor, the Pardon Attorney, and to Mr. Kleindienst concerning this matter, and both said the DeCarlo case was handled in accordance with a long-standing Department of Justice policy toward terminal illness cases," Mr. Richardson said.

"As Mr. Traylor related it to me, the Bureau of Prisons recommended commutation of DeCarlo's sentence last summer as a result of DeCarlo's condition continuing to deteriorate, despite cobalt radiation treatment at Grady Memorial Hospital in Atlanta, Georgia.

6/15/73

"The Pardon Attorney concurred in the recommendation and prepared a letter to the President for the signature of Attorney General Kleindienst. After considering the facts and the doctors' prognosis of the estimated life expectancy, Mr. Kleindienst signed the letter and forwarded it to the White House.

"Subsequent to DeCarlo's release from prison, an Assistant Surgeon General of the United States Public Health Service was asked to review the facts related to DeCarlo's illness. His conclusion was that there was nothing to suggest any irregularity in the prediction of life expectancy or the recommendation of commutation for medical reasons.

"As to Senator Jackson's request for information regarding the disappearance of Anthony DiLorenzo while undergoing dental treatment by a private practitioner in New York City, no information available to the Department of Justice points to any special treatment which permitted him to flee from custody.

"A Board of Inquiry was appointed by Norman A. Carlson, Director of the Bureau of Prisons, which did disclose some deficiencies in the Bureau's procedures. Those deficiencies have been corrected. However, the Department has no indication of any collusion in the escape by Bureau of Prisons personnel and, in fact, DiLorenzo had visited his dentist on two previous occasions and had returned to the detention facility where he was assigned."