

# **George W. Bush Presidential Library**

**Collection:** Counsel's Office, White House

**Series:** Kavanaugh, Brett – Subject Files

**Folder Title:** [FOIA Request - President Clinton's Pardons]

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	[Fax Cover Sheet] - To: Brett Kavanaugh - From: Paul Coburn	1	03/06/2001	P5;

### COLLECTION TITLE:

Counsel's Office, White House

### SERIES:

Kavanaugh, Brett - Subject Files

### FOLDER TITLE:

[FOIA Request- President Clinton's Pardons]

### FRC ID:

9692

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

#### Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

#### Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

# Withdrawal Marker

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**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

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Counsel's Office, White House

**SERIES:**

Kavanaugh, Brett - Subject Files

**FOLDER TITLE:**

[FOIA Request- President Clinton's Pardons]

**FRC ID:**

9692

**OA Num.:**

2162

**NARA Num.:**

2073

**FOIA IDs and Segments:**

2018-0016-P

2017-0345-F

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Mr. Richard A. Serrano  
The Los Angeles Times  
1875 Eye Street, N.W.  
Suite 1100  
Washington, D.C. 20006

Re: Freedom of Information Act Request  
Request No. 2001-54

Dear Mr. Serrano:

This responds to your letter of February 28, 2001, to the Office of the Pardon Attorney requesting, pursuant to the Freedom of Information Act, 5 U.S.C. § 552, documents reflecting the "time and date [that] President Clinton decided on each of the 177 pardons and commutations" granted on January 20, 2001. You further state your understanding that "the White House periodically sent to your office faxes or some other kinds of communication directing your office to add certain names to the final warrant on the Jan. 20 clemencies" and that those communications "should provide the times and dates that your office was notified that the White House had made those decisions." In the event that this office will not produce the foregoing documents, you request, in the alternative, that we provide you with the requested information concerning the following persons: Carlos Vignali, Marc Rich, Pincus Green, Almon Glenn Braswell, Harvey Weinig, Robert Clinton Fain, James Lowell Manning, James Howard Lake, Benjamin Berger, Jacob Elbaum, David Goldstein, and Kalmén Stern.

Although you are correct that this office was in periodic contact with the White House concerning various individuals who were being considered for pardon or commutation of sentence, the documents to which your letter referred did not constitute a notification to this office that the President had reached a decision in any particular case, but rather indicated only that as of the time we received the documents the individuals were under consideration for pardon or commutation. Indeed, this office was not sure of the President's final decisions in this regard until the morning of January 20, 2001, when we received faxed copies of the signed warrants. Thus, the only documents we have that are potentially responsive to your request are the signed warrants, copies of which you already have. The documents that we received prior to the President's decisions are, by the terms of your letter, not responsive to your request. In any event, those documents are predecisional and protected by the deliberative process privilege, and

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therefore may be withheld from disclosure pursuant to Exemption Five of the FOIA, 5 U.S.C. § 552(b)(5). Discretionary release of these materials would not be appropriate.

Without waiving our right to withhold the predecisional documents, we are willing to satisfy your alternative request for information. As you may know, Roger Adams has already testified before the Senate Judiciary Committee that this office first became aware that Marc Rich and Pincus Green were being considered for pardon in the early morning hours of January 20, 2001. At the same time, we also learned for the first time that Robert Clinton Fain, James Lowell Manning and James Howard Lake were being considered for pardon. Benjamin Berger, Jacob Elbaum, David Goldstein, and Kalmen Stern filed commutation applications with this office on December 28, 2000. This late filing did not allow enough time for this office to prepare a report and recommendation to the President and we became aware that their applications were being considered by the White House on or about January 13, 2001. Carlos Vignali and Harvey Weinig filed commutation applications with this office in August 1998 and April 2000, respectively. While the Department of Justice submitted recommendations in both of these cases to the White House, we were not formally notified that they were going to be granted prior to receiving the signed commutation warrant on January 20, 2001. I trust that this information satisfies your request.

I am required to inform you that if you consider my response to be a denial of your request, you may appeal to the Co-Director, Office of Information and Privacy, FLAG Building, Suite 570, U.S. Department of Justice, Washington, D.C. 20530, within 30 working days of receiving this letter. Your envelope and letter should be clearly marked "Freedom of Information Act Appeal" or "Information Appeal." In the event your appeal is unsuccessful, judicial review will thereafter be available to you in the federal district court for the district in which you reside or have your principal place of business or in the District of Columbia, where the requested records are located.

Sincerely,

Roger C. Adams  
Pardon Attorney

By: Samuel T. Morison  
Attorney

Enclosures

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# Los Angeles Times

WASHINGTON BUREAU

Sam Morrison  
Pardon Attorneys Office

Dear Sam,

Per our conversation this week, and a similar conversation with Chris Watney at Justice, I am filing this formal Freedom of Information Act request.

I want to know when - what time and date - President Clinton decided on each of the 177 pardons and commutations.

I understand that the White House periodically sent to your office faxes or some other kinds of communication directing your office to add certain names to the final warrant on the Jan. 20 clemencies. Those communiques should provide the times and dates that your office was notified that the White House had made those decisions.

To this end, I am seeking copies of these communiques or, in the alternative, a listing of the times and dates for the decisions on the 177 clemencies.

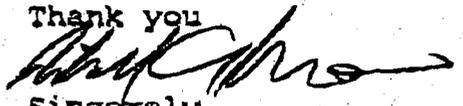
In our discussions, you have asserted that this might be construed as White House deliberations, and therefore unreleasable. I disagree. Once your office was notified by the White House to add certain names to the warrant, the president was at that moment formally advising you that he had made those decisions and that any deliberations were over.

If you decide not to release all of the 177 times and dates, I would then specifically request that the same information on selected cases - these include Vignali, Rich, Green, Braswell, Weinig, Fain, Manning, Lake, and the four Hassids - Berger, Elbaum, Stern and Goldstein.

I agree to pay all costs, and hope for a speedy response.

I can be reached at 202 861 9252, or by cell, 202 257 1309, or by email: richard.serrano@latimes.com

Thank you



Sincerely,  
Richard A. Serrano  
staff writer  
28 february 01