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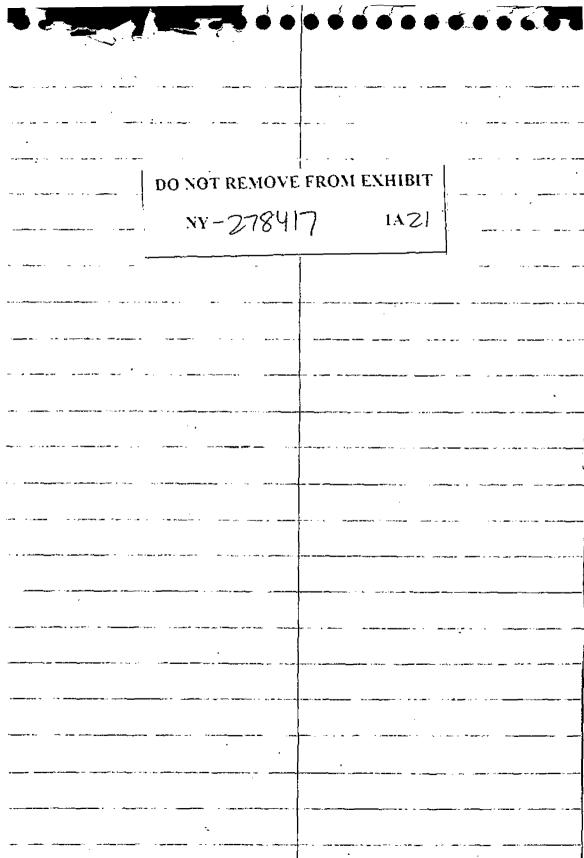
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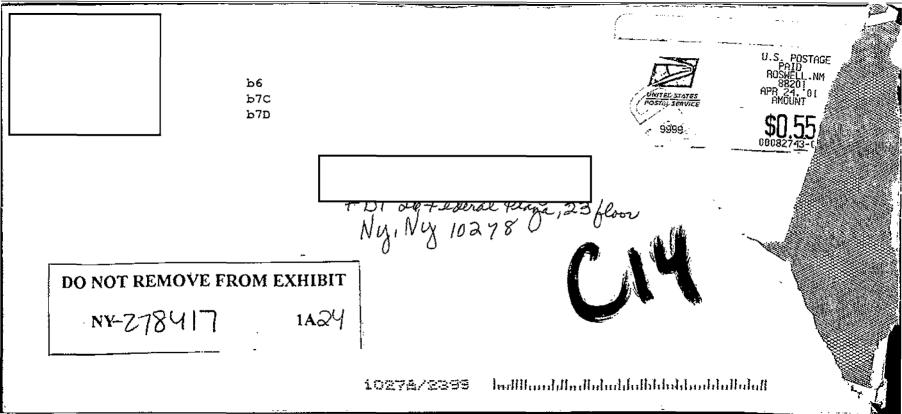
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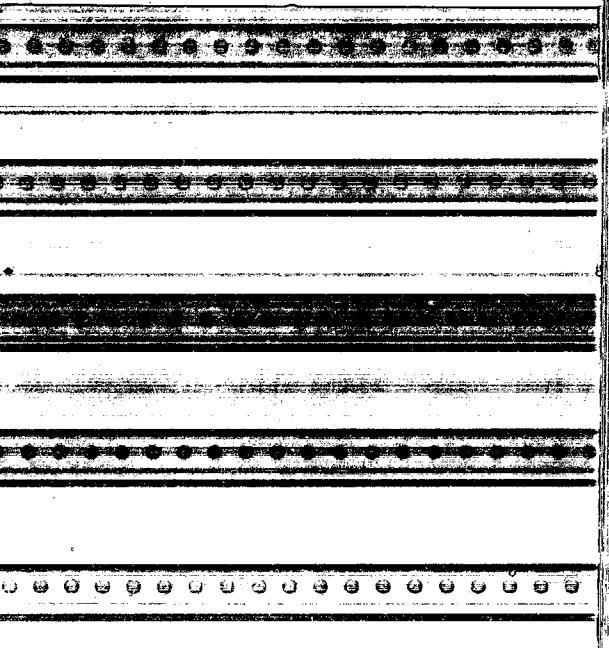
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Challenge to Police Union Leadership

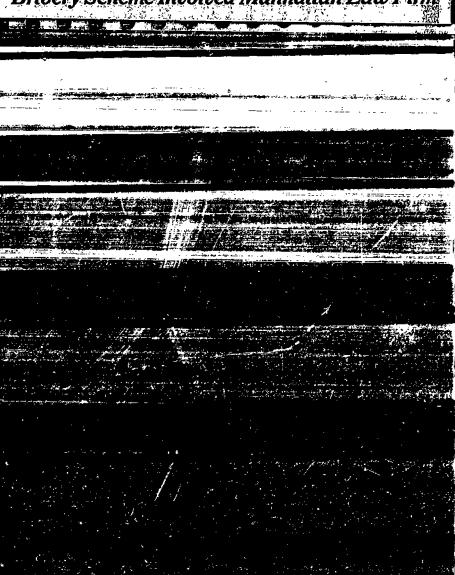
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Bribery Scheme Involved Manhattan Law Firm



Transit cop union bigs guilty in massive scam



Ex-Head of a Police Union Pleads Guilty to Perjury

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Parly News 8/26/97

Ex-PBA boss' 200G deal

He's consultant to union law firm

By WILLIAM K. RASHBAUM, JOE CALDERONE and KEVIN FLYNN

Daily Name Staff Welters

Soon after retiring, former Patrolmen's Benevolent Association President Phil Caruso landed a \$200,000-ayear consulting contract with a Long Island law firm that had gotten \$20 million in PBA work during his tenure as unlon boss, the Dally News has learned.

The ex-cop's lucrative deal with the firm, Lysaght, Lysaght & Kramer, was uncovered by federal authorities in-vestigating whether businesses bribed PBA officials to secure work.

Investigators have already charged the firm's lead partners, James Lysight and Peter Kramer, with bribing officials of the former transit police union to obtain legal work:

Caruso, who was called to appear before a federal grand jury investigating possible corruption within the PBA earlier this year, failed to return repeated telephone calls.

Officials said the consulting contract does not constitute evidence of a crime. But union watchdogs called it a clear conflict of interest.

"It's an ethical violation," said Herman Benson of the Association for Union Democracy.

"The fact that there is a possibility that you might get a high-paying job af-

fects your judgment on whether you are getting your money's worth from the vendor."

Investigators are looking into the shadowy world of PBA finances in part because nearly every dollar spent on legal, insurance, labor and pension advice in the past decade has gone to a handful of lawyers and their wives.

For example, while Lysaght and Kramer—who remain the union's fawyers—collect large legal fees, their wives have collected more than \$B million in commissions as the insurance brokers for the PBA, according to court records.

Caruso, who is not a lawyer, was hired by the law firm to consult on PBA contract matters. The consulting contract paid him double his old PBA salary.

PBA President Lou Matarazzo said Caruso, acting in his capacity as a consultant for the law firm, had helped the union in contract talks this year. But Matarazzo, who got his daughter a secretarial job at the same law firm, refused to comment on conflict-of-interest questions.

He also declined to detail how much contact Caruso had with the union.

The law firm did not return calls for comment.

Caruso, who led the 27,000-member union for 15 years, signed on with the firm several months after his retirement in 1995. He had been union president

dent in 1960 when the PBA hired the Lysaght firm, replacing veteran PBA attorney Richard Hartman, who had been caught dipping into escrow funds to cover his gambling debts.

City auditors reviewed the hiring because much of the PBA's legal expenses are, by contract, funded by the city. The auditors faulted the PBA for failing to use competitive bidding to select Hartman's replacement.

Since being selected, the law firm has hired several people connected to the PBA. Caruso's daughter was employed for a time as a staff attorney.

The firm also has employed the daughter of PBA Treasurer Ronald... DeVito and two children of the union's recording secretary, James Higgins.

With Greg B. Smith



NICE WORK IF ... Phil Caruso

Llied on rip-

A former leader of the housing police unionadmitted he lied to investigators about helping another cop union boss rip off a taxpayer-funded campaign financing program, prosecutors announced yesterday.

Jack Jordan, 59, secretly pleaded guilty to perjury Dec. 8 during the frial of ex-Transit Police Benevolent Association President Ron Realeand three union lawyers - James Lysaght, Peter Kramer and Richard Hartman.

Jordan admitted he participated in a scheme to rip off the campaign finance system with Reale, who used union funds to reimburse people who donated to his quixotic 1993 campaign for city public advocate.

In his plea, Jordan admitted he lied to federal prosecutors when he was asked if he, his sister and three others were reimbursed for their do-

nations.
The proceeding was sealed so as not to taint the jury hearing the Reale case.

That trial ended Monday, when all four were convicted. Jordan's plea was unsealed yester day.

Jordan's plea, before U.S. District Cours Judge John Sprizzo, was sealed because it occurred during Reale's trial, law enforcement officials said.

Sprizzo unsealed it yesterday.

Jordan pleaded guilty to a one-count indictment that charged him with testifying falsely in response to 26 separate questions regarding his knowledge and participation in a scheme to illegally obtain. matching fiinds for Reale's campaign.

He faces up to 5 years in prison and a maximum fine of up to \$250,000.

According to the indictment, testimony and bank records introduced at Reale's trial show that Jordan, his wife, and four other friends all wrote; \$1,000 checks to Reale's campaign and deposited. them in an account called. The Friends of Ron-

The indictment charges that Reale's campaign then falsely subjuitted a request to the Campaign Finance Board for matching funds from contributions made by Jordan, his wife and the four friends although all the individuals had been reimbursed by Reale. Reale obtained \$129,617 in matching funds through the scheme and reimbursed the "donors? their money,

When Jordan was called before a federal grand jury about the contributions in 1996, projecutors said Jordan denied being-rembursed for the contri-bution and having knowledge of or participating

in the scheme

But a handwriting expert testified at the Reale trial that the deposit tickets for the donor rein-bursement checks were in Jordan's handwriting and the payee's portion of the checks were in Hartman's handwriting.

Prosecutors also charged that Jordan had deposited the reimbursament checks to the "donors" at

Hartman's beliest

In addition to racketeering and conspiracy, Hartman was convicted of campaign finance fraud as well as well as well for passengs sales disclosure statements related to the scheme.



Ex-Union Head Pleas Guilty To Housing PBA leader faces 5 years prison

By Patricia Hortado STAPF WRITER

The former president of the new defanct Hous-ing Police union has pleaded guilty to federal perju-ry charges, the office of U.S. Actories Mary Jo

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Jack Jordan, 59 president of the Honor Patrol-men's Benevolent Association that 197 to 1991, pleaded guilty Dec. 8 to printing the manners to a Manhattan Rederal great the powers by a secondary feature that is printed by the secondary feature that the public decrease in the public decrease of the public decrease in the public decrea

Ex-Union Head Pleas Guilty To Perjury

Housing PBA leader faces 5 years prison

By Patricia Hurtado

STAFF WRITER .

The former president of the now-defunct Housing Police union has pleaded guilty to federal perjury charges, the office of U.S. Attorney Mary Jo White said vesterdey:

White said yesterday:
Jack Jordan, 59, president of the Housing Patrolmen's Benevolent Association from 1977 to 1991, pleaded guilty Dec. 8 to giving false answers to a Manhattan federal grand jury investigating campaign finance fraud in the 1993 campaign of Ronald Reale for Public Advocate, Assistant U.S. Attorney Nancy Kestenbann said yesterday.

Reals: former president of the Transit police union, was convicted Monday in federal court of racketeering conspiracy, wire and tax fraud as well as campaign finance fraud stemming from the city campaign after a three month trial in Manhattan.

Lawyers from the police union, James Lysaght and Peter Kramer, were tried with Reale and also convicted of racketeering and conspiracy charges as was Richard Hartman, who worked as a labor negotiator for the city transit and housing police unions.

Of mice & men & corruptio

By LISA REIN

Dally News Staff Writer

One of Chinatown's biggest restaurants and two Manhattan delis bribed city health inspectors to. overlook mouse droppings in prepared dishes and encrusted food on floors in a sting operation; au-

The owners were arrested by the Department of Investigation yesterday and charged with paying bribes of up to \$200 to insure clean bills of health for the Silver Palace restaurant, the Gourmet Deli on. Park Ave. South and the Chambers Gourmet Deli on Chambers St.

Health inspectors visited Chinatown's Silver Palace in September in response to anonymous com-plaints about a mouse problem that extended to droppings in the food, officials said.

The inspector was offered a bribe twice but re-fused it and reported it to DOI, officials said.

A DOI investigator showed up two days later posing as an inspector and was offered \$100 by owner Liang Dong Wu not to issue any health code violations, a DOI spokesman said.

Health inspectors were also offered money when they visited Gourmet Deli on Park Ave. South on the same day for a followup inspection. The deli previously had been cited for allowing food to build up on the floor. Owner Jong Youn bribed a DOI officer with \$200, officials said.

Inspectors were conducting a pre-opening inspection at the new Chambers Gourmet Deli on Chambers St. when they were oftered \$50 not to issue violations because the deli lacked a working freezer thermometer.

Wu and Youn await arraignment on felony charges of bribery, DOI spokesman Kevin Ryan said. Gasse. Manun, owner of the Chambers Gourmet Dell, was arrested on a lesser misdemeanor charge:

Surprise witness called at cop union fraud t

By GREG B. SMITH

Dally News Staff Writer-

The one-time girlfriend of former transit police union President Ron Reale took the stand against her ex yesterday, painting a sordid portrait of him illegally laundering cam-

paign funds.

Margherite Golino, 32, met Reale in 1992, when she was a receptionist for her brother Angelo, a Staten Island car dealer, and Reale was president of the 4,300 member Transit Police Benevolent Association.

Golino appeared as a surprise witness for Manhattan U.S. Attorney Mary Jo White, whose office is prosecuting Reale, 44, and three former police union lawyers in a corruption trial before Manhattan Federal Judge Deborah Batts.

In her most damning testimony, Golino addressed allegations that in 1993, Reale used union funds in his cash-strapped campaign for public

advocate.

Prosecutors charge that Reale used the illegal donations to get taxpayer matching funds for his candidates declined to discuss why, citing dacy, in which he won only 1% of the a sweeping gag order imposed by vote.

Under questioning by Assistant U.S. Attorney Michele Hirshman, Golino said the union chief "asked me, if he gave me \$3,000, if I would be able to get three people to write out checks for \$1,000 each" to his campaign. "I said I would do it," said Golino, who was granted immu-

nity from prosecution.

Golino also told how her brother had her use the car dealership from which the transit police union. rented numerous cars — to buy mon-ey orders that then were used as donations to Reale's campaign She recalled putting down the names of unwitting "donors," including friends, family and "a woman who lives up the block."

Later, she said, Reale paid back the dealership with union and campaign funds, and to cover his tracks, had her make up invoices for fic-

tional goods and services.

Outside the presence of the jury, it was revealed that Margherite and Angelo Golino are in the witness

protection program.

Prosecutors and defense attor-Batts.

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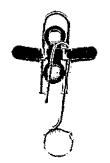
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MARC RICH PARDON

THUESTIGATION"

(File No.) 58A-NY-278417

Item	Date Filed	To be retur- Yes No	<u>•d</u>	Disposition
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SUBMISSION ON BEHALF OF MARC RICH WITH RESPECT TO THE EVENTS LEADING TO HIS PARDON BY PRESIDENT CLINTON IN JANUARY 2001

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March 27, 2003

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For the past two years Marc Rich has been under investigation for violation of the Bribery Statute, 18 U.S.C. § 201, arising from successful efforts on his behalf to obtain a pardon from President Clinton in January 2001. For the reasons set forth below we respectfully submit that the government has no colorable case against Mr. Rich. This investigation should therefore be terminated and no charges should be brought.

PRELIMINARY STATEMENT

The charges contemplated here are unprecedented, likely unconstitutional, and certainly unwarranted. In two centuries of American constitutional history, no pardoned individual has ever been charged for crimes arising from the presidential pardon process. The reason is not for lack of controversial pardons. Presidents from George Washington to Bill Clinton have granted pardons that angered prosecutors and troubled the public at large. Nor is it for lack of evidence that insider influence and access often sway the pardon process. They have and do, which is not surprising. The reason, rather, is that the Constitution reserves the pardon power to the President alone, subject to neither oversight nor review by any other person, official, or coordinate branch of government. Prosecutors have thus not pursued, and courts have not permitted, cases that even tangentially implicate the inner-workings of the pardon process.

This is clearly such a case. Former President Clinton has declared repeatedly that he pardoned Marc Rich on the merits of the application before him. This office is entitled to disagree, but the President's explanation is squarely at issue and cannot be dismissed. Marc Rich's pardon application was supported by prominent international figures such as the Prime Minister of Israel Ehud Barak, Noble Peace Prize recipient Simon Peres, and King Juan Carlos of Spain. The legal arguments supporting the application, moreover, had over time been developed by respected lawyers of both political parties, including Lewis Libby¹, William Bradford Reynolds, Leonard Garment, and esteemed tax authorities, Professor Martin Ginsburg of Georgetown, and Professor Bernard Wolfman of Harvard. In addition, the second highest official in the Department of Justice, Deputy Attorney General Eric Holder, specifically advised the President's staff that he was "neutral leaning towards favorable" on the merits of the Marc Rich pardon. President Clinton cited the opinions and/or counsel of such figures among the many reasons that led to his decision to pardon Marc Rich.

That respected government officials and lawyers believed that a deserving case could be made on behalf of Mr. Rich does not make the pardon decision right. But it proves that it was possible for the President to reach the decision without being corrupt or deceptive. More to the point, any prosecution based on the pardon would effectively require the government to dispute the former President's strong affirmation that the decision to pardon Mr. Rich was made on the

Indeed, Mr. Libby, who now serves as Chief of Staff to Vice President Cheney, acknowledged before Congress that if he had been asked to pursue the pardon during his representation of Mr. Rich, he could have put together a strong and defensible case for clemency. See Mar. 1, 2001 House Comm. Test. of L. Libby, at 286–87 (attached as Ex. 1).

merits. We respectfully submit that this office has no constitutional authority to second guess or investigate that decision for any reason, including the pursuit of criminal charges against the pardoned individual, Mr. Rich.

Indeed, the charges contemplated here are untenable on at least three grounds:

First, there is no precedent or constitutional authority for federal prosecutors to base criminal charges on facts gleaned from the presidential pardon process. The pardon power is absolute, unlike any other power provided in the Constitution. The history of its exercise, moreover, proves that Marc Rich acted no differently than countless others who have sought presidential pardons. And the pardon process itself, which would be integral to any trial on the merits, is squarely at issue here. Indeed, the constitutional dynamic of the government's case is inescapable. Because courts repeatedly and consistently reject any attempted intrusion into the presidential pardon process, this case should not be brought.

Second, even if the constitutional hurdles could be overcome, the evidence is legally and factually insufficient to support a bribery prosecution. The contemplated charges implicate a number of novel questions under the federal bribery statute, and relevant authorities suggest that the statute would be construed against the government. Indeed, the government could not prove the essential elements of that statute absent an expansive and unprecedented construction of its relevant terms. Finally, not only is there insufficient credible evidence of a conspiracy to bribe the President, what scant evidence exists is hearsay testimony and probably inadmissible against Mr. Rich.

Third, the proposed prosecution would generate difficult issues of executive privilege and a divisive political controversy which should not be provoked by a case based on unprecedented legal theories and poor evidence. The testimony of President Clinton and other high profile figures are central to Mr. Rich's defense, and he could not receive a fair trial without their testimony. The spectacle generated by such an intensely high profile case, as well as the inevitable political consequences, make the prosecution contemplated here particularly illadvised.

STATEMENT OF FACTS

On January 20, 2001, President William Jefferson Clinton exercised his power pursuant to Article II, Section 2 of the United States Constitution to grant Marc Rich and Pincus Green unconditional pardons. The pardon application was the last step in a more than decade-long effort by Mr. Rich's lawyers to convince the United States Attorney for the Southern District of New York, the Department of Justice, and ultimately the President, that the indictments returned in 1983 and 1984 contained inappropriate legal charges — in light of the facts of the case, intervening case law, and Department of Justice guidelines — and treated Messrs. Rich and Green more harshly than similarly-situated parties. On February 18, 2001, President Clinton advised the nation that he granted a pardon to Mr. Rich based upon the merits of the legal

arguments advanced by Mr. Rich's lawyers, as well as "foreign policy reasons," including the support of foreign leaders, Mr. Rich's assistance to the Middle East peace process, and Mr. Rich's participation in Israeli charitable causes.²

The pardon concluded a case that the United States Attorney for the Southern District of New York had brought against Mr. Rich, Mr. Pincus Green and others, including two foreign companies with which they were associated. The two companies resolved the charges by plea in 1984.³ Messrs. Rich and Pincus Green did not return to the United States for trial, and the case against them remained outstanding. The legal arguments presented to the President in the pardon petition had their genesis in the spring of 1985, when Messrs. Rich and Pincus Green retained Mr. Garment and Mr. Libby to head a legal team to review the legal sufficiency of the criminal charges contained in the pending indictment. These charges in the superseding indictment included tax evasion, mail fraud, wire fraud, racketeering and trading with the enemy, all arising out of a complex series of oil trades in 1980 and 1981.

Mr. Garment ultimately retained two of the country's leading tax experts, Professor Martin Ginsburg of Georgetown University Law Center and Professor Bernard Wolfman of Harvard Law School, to analyze the tax evasion charges that were at the core of the indictment. In December 1990, the professors submitted to the prosecutors their detailed written conclusion that, in their professional opinion, the transactions in issue had been correctly reported for tax purposes. Complementing their work on the tax charges, Mr. Rich's lawyers developed comprehensive defenses to the mail and wire fraud, RICO, and trading with the enemy charges in the indictment. Mr. Rich's counsel argued that the alleged conduct was not criminal under a post-indictment Supreme Court interpretation of the mail fraud statute and revised Department of Justice guidelines; that the prosecutors should not have brought RICO or predicate charges based on tax evasion claims; and that Mr. Rich's alleged "trading with the enemy" was permitted

William J. Clinton, My Reasons for the Pardons, N.Y. Times, Feb. 18, 2001 (attached as Ex. 2).

As more fully described in the pardon petition, the guilty pleas of the corporations were induced by the freezing of assets, the imposition of a contempt fine resulting from discovery disputes and the threat of RICO forfeitures. See Pardon Petition at 23-25, Gov't Ex. 1 (attached as Ex. 3). (For the Government's convenience, "Gov't Ex." refers to exhibits previously attached to the Government's Memorandum of Law in Support of Motion to Compel Testimony and Production of Documents, No. M11-189(DC) (S.D.N.Y. Sept. 10, 2001).)

Id. at 23, 28; see also Dec. 7, 1990 Letter from B. Wolfman to attaching Proposed Findings of Fact and Conclusions of Law of M. Ginsburg and B. Wolfman (attached as Ex. 4).

See Pardon Petition at 23, Gov't Ex. 1 (attached as Ex. 3).

under a regulatory exception for foreign companies. Moreover, the factual underpinnings of the government's energy fraud theory were undermined by a post-indictment analysis by the Department of Energy that contradicted the prosecutors' claim that the companies had incorrectly accounted for the income from the underlying oil transactions. Finally, Mr. Rich's attorneys contended that in other cases involving similar allegations of oil trading violations, the government pursued only civil charges.8 The defense contentions were presented to the government at various times, but the prosecutors refused to engage in any meaningful discussion on the merits of Mr. Rich's legal defenses while he remained outside the country. Instead, the prosecutors remained committed to Mr. Rich's apprehension, warning that Mr. Rich remained absent at his peril.

Mr. Garment recently attributed the impasse between prosecutors and the Rich legal team to a cycle of misunderstandings traceable at first to aggressive defense strategies which "succeeded only in rendering the prosecutors even more inflamed than they were by nature." 10 But by the early 1990s, Mr. Garment found the breakdown in communication largely attributable to the prosecutors' determination that there was just "too much history" to permit reconsideration of the premises underlying the government's case. Thus, although Mr. Garment and Mr. Libby had "concluded, unavoidably, that Rich and Green were not only free of criminal tax liability: they were free of civil liability as well,"11 their efforts to present a case to the prosecutors proved unproductive.12.

"[We] [Mr. Garment and Mr. Libby] spent several years trying to get meetings, preparing for meetings, holding meetings, attempting to follow up on meetings. The prosecutors would not talk about the merits of the underlying case. Some of their positions, like their vehement feelings about fugitivity, were understandable. Some were not. The low point at one of our meetings came when a young prosecutor said that it didn't matter whether Marc and Pinky actually owed taxes or not; what mattered was that they

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(Continued...)

at 227-28 (attached as Ex. 5). Feb. 8, 2001 House Comm. Test. of

See Pardon Petition at 28, Gov't Ex. 1 (citing United States Dep't of Energy Regulatory Admin. Proposed Remedial Order Issued to ARCO on Oct. 4, 1998, at 17-19) (attached as Ex. 3).

See Jan. 17, 2001 Fax from (attached as Ex. 6).

⁹ June 27, 1994 Letter from Gov't Ex. 6 (attached as Ex. 7).

^{.10} Leonard Garment, Crazy Rhythm 394 (2001) (attached as Ex. 8).

¹¹ Id. at 397.

¹² Mr. Garment has detailed these unproductive efforts, as follows:

	Faced with this stalemate, who was Marc Rich's attorney in New York, in or	
	around 1997, began meeting with a prominent businessman and	
	who is a friend of Mr. Rich. suggested that meet	
	Gershon Kekst, a well known public relations consultant and philanthropist. 13 Messrs	b 6
	Kekst and discussed both the impasse and the possibility of using a public relations	b 7C
	initiative to change Mr. Rich's public image as part of the process of opening a dialogue with the	
	government. Mr. Kekst recommended that meet with the law	
•	firm of Arnold & Porter White House Counsel during the Clinton	
	administration. met with in early 1999	
	to discuss their possible representation of Mr. Rich. Thereafter, were hired to	
	approach the Department of Justice to seek a review of Mr. Rich's indictment.	
	In October 1999, met with Deputy Attorney General Eric Holder to explore	
	whether he could play a role in facilitating a resolution with the United States Attorney's Office	
	for the Southern District of New York. Mr. Holder reviewed the case and informed	•
	that he should attempt first to revive discussions with the Southern District prosecutors.	
	Following Mr. Holder's suggestion, on December 1, 1999, sent a letter to the	b 6
	prosecutors in the Southern District, with a copy to Mr. Holder, explaining the reasons for a	ьь ь7с
	requested meeting. ¹⁴ On February 2, 2000, the United States Attorney's office responded,	
	refusing to meet with Mr. Rich's lawyers as long as Mr. Rich remained outside the United	
	States. 15 Shortly after receiving the Southern District's response, forwarded a	
	memorandum to Mr. Holder explaining why Department of Justice review of Mr. Rich's case	
	was warranted and why Mr. Rich's absence should not be — and in other cases involving absent	
	defendants' had not been — an impediment to discussion. Although Mr. Holder has testified	
	that he probably would have held the meeting if he were the United States Attorney, he deferred	
	to the Southern District's decision not to meet because it was "their case." 17	
	· · · · · · · · · · · · · · · · · · ·	
	thought they owed taxes and nevertheless did not pay them. The two men, in	
	other words, had stolen their own car. Such a doctrine is not exactly a	
	foundation of the tax laws. Perhaps more to the point, however, was a later	
	comment by one of the prosecutors: 'There's just too much history.' Indeed	
	there was."	
	Id.	
	Grand Jury Test. of at 22, Gov't Ex. 7 (attached as Ex. 9).	
	Dec. 1, 1000 Latter from Gerr't Br. 12 (attached as Fig. 10)	
	Dec. 1, 1999 Letter from Gov't Ex. 12 (attached as Ex. 10).	
•	Gov't Ex. 14 (attached as Ex. 11).	b3 b6
		b7C
	See Feb. 28, 2000 Memo from to E. Holder (attached as Ex. 12).	
	Feb. 8, 2001 House Comm. Test. of E. Holder at 2, Goy't Ex. 11 (attached as Ex. 13).	

I. WORK ON BEHALF OF THE PARDON

After this last rejection by the government, Mr. Rich and his counsel decided to petition
the President for a pardon. 18 Although the general idea of a pardon had been discussed earlier,
the decision to actively seek a pardon was not made until the end of October 2000. 19 With
President Clinton's term drawing to a close, Mr. Rich's lawyers embarked on a significant effort
with only a short period of time to accomplish the task. Because Mr. Rich was seeking a pardon
based in part on the flaws in the indictment against him, the petition contained a number of legal
arguments addressing the merits of the pending charges. ²⁰ Moreover, because pardon petitions
are also addressed to the President's constitutional power to grant clemency as a matter of grace,
they traditionally contain statements from those who knew the petitioner and who could testify as
to the petitioner's good character and good works. Mr. Rich's lawyers — and
Messrs. — worked diligently to prepare both aspects of the
petition. Working with a longtime associate of Mr. Rich and of Mr.
Rich's charitable foundations, they approached prominent individuals in Israel, Europe and the
United States familiar with Mr. Rich's many charitable and social contributions over the past
twenty years. ²¹

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The petition, more than two inches thick and in two separate volumes, was filed at the White House on December 11, 2000, more than a month before the pardon was granted.

Many pardon petitions are submitted to the President, particularly at the end of his term of office, and his personal attention to the merits of a petition is often crucial to its chances of success. Thus, in order to effectively represent their client, attorneys for a pardon petitioner must also do their best to ensure that the President reads and understands the petition, and to provide answers to any questions he or his advisors may have about the petition. This is precisely what Mr. Rich's lawyers did. During the six-week period following the filing of the petition, the Rich team embarked on a comprehensive campaign in support of the pardon including the following steps.

A. Direct Appeals to the President

on b	The Rich team arranged several direct and indirect personal appeals to President Clinton ehalf of the pardon. First, and others sought the support of
18	Feb. 8, 2001 House Comm. Test. of at 7, Gov't Ex. 17 (attached as Ex. 5).
19	Grand Jury Test. of at 38, Gov't Ex. 9 (attached as Ex. 14); see also Feb. 14, 2001 Senate Comm. Test. of at 8, Gov't Ex. 25 (attached as Ex. 15).
20	See Pardon Petition at 20-30, Gov't Ex. 1 (attached as Ex. 3).
21	See id. at 9-12.
. 22	traveled to the United States again in December and January to personally (Continued)

	who wrote a letter that was included in the pardon petition, was to write a second, personal er to the President expressing her support of the pardon. ²³ also spoke to President aton in person, at a holiday White House event. ²⁴	b6 b7С
testi file	Second. a close friend of and President Clinton, was also ed to assist in bringing the pardon petition to the President's attention. As ified was contacted to assure "that the president himself was aware that we had the petition President Clinton had said I should make my case to the White House unsel's Office."25	
	Third, made direct personal contact with the President regarding the pardon. spoke to the President by telephone and also wrote to him on January 5, 2001 stating, among er things, that "[o]n a personal note, I believe in this cause with all my heart." 26	ъ6 ъ7С
spol	Fourth, asked a number of prominent individuals in Israel to contact the sident regarding the pardon. These contacts included then-Prime Minister Ehud Barak (who ke with the President on several occasions about the pardon) and former Prime Minister mon Peres. ²⁷	
	B. Other Contacts	
atto form	Members of the Rich team also made a series of personal contacts with high-level cials in the Clinton Administration to promote the pardon. a Washington, D.C. oney, spoke with White House Chief of Staff John D. Podesta, a law school friend and a mer client, to obtain periodic reports as to the status of the pardon application inside the White use. ²⁸	ъ6 ъ7С
	assist in the lobbying effort.	
23	Dec. 19, 2000 E-mail from et al.; Dec. 19, 2000 E-mail from Gov't Ex. 24 (attached as Ex. 16).	
24	Feb. 14, 2001 Senate Comm. Test. of at 10-11, Gov't Ex. 25 (attached as Ex.	b6 b7C
:	.15).	
`25	<i>Id.</i> at 11.	
26	Jan. 5, 2001 Letter from to The Honorable William J. Clinton, Gov't Ex. 26 (attached as Ex. 17).	
27	Dec. 25, 2000 E-mail from Jan. 12, 2001 E-mail from et al., Gov't Ex. 28 (attached as Ex. 18); see also Jan. 5, 2001 Letter from The Honorable William J. Clinton, Gov't Ex. 26 (attached as Ex. 17).	ъ6 ъ7С
28	Mar. 1, 2001 House Comm. Test. of Gov't Ex. 29 (attached as Ex. 19).	

relat Gen	In early December, spoke to White House Counsel as well as to cuty White House Counsel Bruce Lindsey, and provided them with background materials ting to the proposed pardon. also sought the support of Deputy Attorney deral Holder. On January 10, 2001, forwarded Mr. Holder a copy of the respondence he had previously sent the President, along with the following cover note:	b6 b70
·	Dear Eric: I hope you can say you agree with this letter. Your saying positive things, I'm told, would make this happen. Thanks for your consideration. Sincerely, 30	
2001 repo	mately, when asked by for his view of the pardon application on January 19, l, Mr. Holder indicated that he was "neutral, leaning towards favorable." brited Mr. Holder's assessment to the President that evening. The President would later call Holder's position an important factor in his decision to grant the pardon.	b 6
-	The President discussed Mr. Rich's pardon petition directly with on January 2001. has testified that the President seemed fully informed of the legal issues ounding Mr. Rich's outstanding criminal case: 34	ъ7C
	In that conversation [January 19th], I could tell that President Clinton had obviously read and studied the pardon petition. He grasped the essence of my argument about this case being a case that should have been handled civilly, not criminally, and discussed whether the passage of time would permit statute of limitation defenses. ³⁵	
1	has further testified to his understanding that the President granted the pardon based	
29	Mar. 1, 2001 House Comm. Test. of at 167, Gov't Ex. 30 (attached as Ex. 20).	
30	Jan. 10, 2001 Letter from to E. Holder, Gov't Ex. 31 (attached as Ex. 21).	
31	Feb. 8, 2001 House Comm. Test. of E. Holder at 3, Gov't Ext. 11 (attached as Ex. 13).	
32	.See id.	ხ6 ხ7
33	See William J. Clinton, My Reasons for the Pardon, N. Y. Times, Feb. 18, 2001 (attached as Ex. 2); see also Feb. 8, 2001 House Comm. Test. of at 3, Gov't Ex. 17 (attached as Ex. 5).	
34	See Feb. 14, 2001 Senate Comm. Test. of at 12, Gov't Ex. 25 (attached as Ex. 15).	
35	See Id.	

squarely on the merits of those legal issues:

President Clinton properly gave serious consideration to Mr. Rich's pardon application. [He] demanded that Mr. Rich's lawyers waive all procedural defense related to the transactions in question so that Mr. Rich would be potentially subject to civil penalties, such as those faced by others who were involved in similar transactions. This case should have been treated that way years ago.³⁶

Later that night, President Clinton issued an unconditional pardon of Mr. Rich on January 20, 2001. In his subsequent public statement, President Clinton acknowledged that the pardon petition, buttressed by the further explanations provided by convinced him that Mr. Rich's petition was well-founded, and should be granted "on the merits."	ъ6 ъ7С
II. THE GOVERNMENT INVESTIGATION	•
By January 25, 2001, only five days after the pardons had been issued, the House Committee on Government Operations served initial requests for documents on lawyers who worked on the pardon petition, including Messrs. Mr. Libby, Mr. Holder, all testified before Congress. On February 15, 2001, the United States Attorney's office formally confirmed that it was launching an investigation into the pardons. During the next two years, the government conducted an extraordinarily aggressive and thorough investigation of the Rich team's effort to obtain a pardon, spanning several countries and a decade of activities. In addition to reviewing thousands	b3 b6
of documents, the government called Messrs. grand jury, and were interviewed by government prosecutors. has appeared before the grand jury on after two preliminary interviews by the U.S. Attorney's Office and FBI agents. Journal of their appearances, Messrs also testified before the grand jury. During each of their appearances, Messrs provided detailed testimony on a wide range of subjects and answered all questions hot seeking The prosecutors also subpoenaed and received testimony from many third parties, including	ъ7С
36 See Feb. 8, 2001 House Comm. Test. of at 9-10, Gov't Ex. 17 (attached as Ex. 5).	; ;
William J. Clinton, My Reasons for the Pardons, N.Y. Times, Feb. 18, 2001 (attached as Ex. 2).	b6 b7C
See Jan. 25, 2001 Requests for Documents from (attached as Exs. 22 and 23).	
See James V. Grimaldi & Dan Figgen, Criminal Prohe of Pardon Reging: Ciffe From Fr	

Criminal Inquiry in Pardon of Rich, N.Y. Times, Feb. 15, 2001.

Wife of Rich are Focus, Wash. Post, Feb. 15, 2001; David Johnston, U.S. is Beginning

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Alth	ough
nd jury,	During questioning in the the government has asked whether
	ARGUMENT
	CONTEMPLATED CHARGES ARE UNPRECEDENTED AND LIKELY CONSTITUTIONAL
	case cannot be separated from Article II of the Constitution, which grants the nlimited power to authorize pardons. The only checks on that power are the
esident's ether exe don proc prosecu	own sense of right and the threat of public opprobrium. No external authority—cutive, legislative, or judicial—enjoys a constitutional mandate to intrude into the ess for any reason, including the criminal pursuit of a pardoned individual. Indeed, ion contemplated here is entirely unprecedented and raises a host of constitutional the first order. It should not be brought.
esident's iether exe rdon proc prosecu	cutive, legislative, or judicial — enjoys a constitutional mandate to intrude into the ess for any reason, including the criminal pursuit of a pardoned individual. Indeed, ion contemplated here is entirely unprecedented and raises a host of constitutional
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the Constitution intentionally vested the pardon power in one person who would have sole discretion to make pardon decisions and bear full responsibility for the consequences.⁴¹ In 1788, Alexander Hamilton explained why:

Humanity and good policy conspire to dictate that the benign prerogative of pardoning should be as little as possible fettered or embarrassed.... As the sense of responsibility is always strongest in proportion as it is undivided, it may be inferred that a single man would be most ready to attend to the forces of those motives, which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations, which were calculated to shelter a fit object of its vengeance.

The Federalist No. 74, at 447 (Clinton Rossiter ed., 1982) (emphasis added).

Hamilton was responding in this paragraph to critics of the Federal Constitution who claimed the pardon power gave too much discretion to the President. Yet the only concern of these critics was the President's authority to pardon treason. As Hamilton explained, "The expediency of vesting the power of pardoning in the President has, if I mistake not, been only contested in relation to the crime of treason." Id. (emphasis added). Thus, there was no suggestion, even by anti-Federalists, that the President's unlimited discretion to grant pardons was somehow unjustified or too broad.

Taking its cue from the text of Article II, and the clear statements of the Framers, the Supreme Court has consistently held that the pardon power is uniquely unfettered by any of the regular checks and balances of governmental structure, including oversight by a coordinate

Despite the existence of guidelines on the subject, such as those set out in Title 28 of the Code of Federal Regulations, the clemency power is reserved exclusively to the President under the Constitution. It cannot be constrained by any executive branch regulations or the judgments of any of the President's subordinates, see, e.g., H.R. Rep. No. 107-454, pt. 1, at 25-26 (2002) ("Burton Report"), or by Congress, see, e.g., Schick v. Reed, 419 U.S. 256, 266 (1974). For this reason, some observers have questioned the power of Congress to even investigate the President's clemency decisions. For example, Starley Brand, who served as General Counsel to the House of Representatives from 1976 to 1984, opined that the pardon controversy was a matter outside the bounds of legitimate congressional inquiry. See Stanley M. Brand, A-Pardon Probe: It's None of Congress's Business, Wash. Post, Feb. 28, 2001 ("The exclusive commitment of the pardon power to the president was also a 'conscious choice,' and legislative revulsion at its use does not supply the constitutional authority to challenge it."). It is an open question whether the same principle extends to federal prosecutors who bridle at use of the pardon power in a particular way. Moreover, any evidence gleaned from the Congress in this matter is subject to constitutional challenge on grounds that Congress had no constitutional basis for conducting its inquiry.

branch or executive agency. See, e.g., Schick, 419 U.S. at 266 ("[T]he power flows from the Constitution alone, not from any legislative enactments, and cannot be modified, abridged or diminished by the Congress."); Ex Parte Garland, 71 U.S. (4 Wall.) 333, 380 (1866) ("The benign prerogative of mercy reposed in [the President] cannot be fettered by any legislative restrictions."); Ex Parte Wells, 59 U.S. (18 How.) 307, 315 (1855) ("[B]y giving to its words their proper meaning, the power to pardon conditionally is not one of inference at all, but one conferred in terms."); e.g., Ex Parte Grossman, 267 U.S. 87, 121 (1925) ("Our Constitution confers this discretion [to pardon] on the highest officer in the nation in confidence that he will not abuse it.").

It is thus well-settled that Congress and the courts are prohibited from either interfering in any manner with the President's exercise of the pardon power, see, e.g., Schick, 419 U.S. at 266; Ex Parte Garland, 71 U.S. at 380, or hindering the full exercise of that power by curtailing the constitutional privileges of the person pardoned, see, e.g., United States.v. Klein, 80 U.S. (13 Wall.) 128, 147 (1871); Garland, 71 U.S. at 380. The Supreme Court confirmed the latter point in Garland, saying:

Congress can neither limit the effect of [a] pardon, nor exclude from its exercise any class of offenders. . . . A pardon reaches both the punishment prescribed for the offence and the guilt of the offender; and when the pardon is full, it releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offence. If granted before conviction, it prevents any of the penalties and disabilities consequent upon conviction from attaching; . . . it makes him, as it were, a new man, and gives him a new credit and capacity.

Garland, 71 U.S. at 380-81. See also Klein, 80 U.S. at 147-48 ("To the executive alone is intrusted the power of pardon; and it is granted without limit. . . . [T]he legislature cannot change the effect of such a pardon any more than the executive can change a law."); United States v. Wilson, 32 U.S. (7 Pet.) 150, 160 (1833) ("A pardon is an act of grace, proceeding from the power intrusted with the execution of the laws, which exempts the individual, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed." (Marshall, C.J.)). The federal criminal laws, thus, cannot be interpreted or applied in a manner that effectively limits the privileges of a presidential pardon, or permits even indirect intrusion by the federal courts into the pardoning process. 42

As Professor Laurence Tribe explains, the Framers knew and intended for Presidents to exercise the pardon power in controversial and high profile cases. See Laurence H. Tribe, American Constitutional Law § 4-10, at 721 (3d ed. 2000) (noting that President George H. W. Bush's pardon of Caspar Weinberger just ten days before Weinberger's criminal trial "would not have come as a surprise to the Framers"). For this reason, the Framers purposely left the pardon power "virtually unbounded" with the only check being impeachment, rebuke at the polls, or, for a President at the end of his term, "the judgment (Continued...)

Indeed, expansive interpretations of the criminal laws in the context of the pardon power - interpretations that invite roving investigations into presidential deliberations, cast an indefinite shadow over the effectiveness of individual pardons, and require the federal courts to become enmeshed in purely executive action — implicate fundamental separation of powers principles. The Constitution requires that the coordinate branches remain "free from the control or coercive influence, direct or indirect, of either of the others." Humphry's Executor v. United States, 295 U.S. 602, 629 (1935) (emphasis added); see also Bowsher v. Synar, 478 U.S. 714, 725-26 (1986); Wiener v. United States, 357 U.S. 349, 355-56 (1958); Kilbourn v. Thompson, 103 U.S. (13 Otto) 168, 190-91 (1880). This principle of non-interference is not absolute, see, e.g., Mistretta v. United States, 488 U.S. 361, 380 (1989), especially where constitutional powers are vaguely defined — such as the President's power to "take Care that the Laws be faithfully executed," U.S. Const. Art. II, § 3 — or implicitly shared — such as the President's "commander in chief" power, id., Art. II, § 2, cl.1, and Congress' power to "declare war," id., Art. I, § 8, cl. 11. But the pardon power is neither vague nor shared. Indeed, unlike virtually every other power granted under the Constitution, the pardon power is textually pristine: by its terms it belongs exclusively to the President alone and may not be interfered with by Congress, the courts, or any government official. The principle of non-interference is thus at its height where the pardon power is concerned. See, e.g., Public Citizen v. Dep't of Justice, 491 U.S. 440, 485 (1989) (Kennedy, J., concurring) ("[W]here the Constitution by explicit text commits the power at issue to the exclusive control of the President, we have refused to tolerate any intrusion by the Legislative Branch.") (emphasis in original; citing the pardon power as the paradigmatic example). Accordingly, an interpretation of the federal criminal laws that reaches the presidential pardon process, or invites the federal courts to review that process for any reason, implicates fundamental constitutional principles that are vital to our system of government.

Moreover, the prosecution proposed here would be flatly contrary to the vision of the unitary executive and the rigorous conception of the separation of powers long advocated by Justice Scalia and other sitting Justices. See, e.g., Morrison v. Olson, 487 U.S. 654, 705 (1988) (Scalia, J., dissenting).⁴³ For the precedent established by this case would not only permit

of history or . . . less indelible forms of moral opprobrium." Id. at 721-22. Clearly, limiting the effects of a pardon by threatening the pardoned individual with federal crimes arising from the pardon process itself is not a check contemplated in the constitutional scheme. Equally to the point, the Supreme Court has rejected any interpretation of the pardon power that "would in all probability tend to inhibit [its] exercise . . . and reduce the frequency of commutations." Schick, 419 U.S. at 266. Threatening pardoned persons with criminal charges arising from the pardoning process certainly inhibits the unfettered discretion to pardon granted under Article II. For no President would exercise the power in highly controversial cases if the decision could be open for review in the federal courts, whether directly through prosecution of the President, or indirectly through prosecution of the person pardoned.

Although the Supreme Court's jurisprudence in this area is not a model of consistency, several opinions have taken a formalist approach consistent with theory of the unitary (Continued...)

intrusive investigations into the pardoning process but, by necessary implication, would make future Presidents answerable to charges arising from that process. By what principle, for example, is a pardon-petitioner liable for bribing the President but the President not liable for accepting the bribe? Similarly, on what authority can succeeding Presidents investigate a prior President's pardoning process to charge a pardoned person, but not the President himself, with a crime? Indeed, on what authority can a succeeding President ever invite the federal courts, via a prosecution, to review the pardoning process of a prior President? The Founders intended no such result. Even liberal constitutional theorists who reject a formal separation of powers make an exception for the pardon power — universally recognized as the sine aua non of purely executive authority. Professor Charles Black, for example, claimed that the President possesses only the five powers specifically enumerated in Article II: the power to receive ambassadors, the power to take care that the laws be faithfully executed, the power of commander in chief, the veto power, and the power to grant pardons. See Charles L. Black, Jr., The Working Balance of the American Political Departments, 1 Hastings Const. L.Q. 13, 14-15 (1974). Yet among those five powers, the pardon power is unique in that it is the only substantive power explicitly free from congressional oversight, other than impeachment. See Charles L. Black, Jr., Impeachment: A Handbook 34 (1974) (noting that "only impeachment" can check the President's legallyunlimited pardon power). Professor Black concluded, thus, that even the most egregious conduct in the exercise of the pardon power would not be reachable by the federal criminal laws.⁴⁴ The inescapable conclusion is that regardless of how one views separation of powers principles, the case proposed here would cross all recognizable constitutional lines and would be the first to intrude, even indirectly, upon the only unencumbered Article II power.

We respectfully submit that these bedrock principles render the charges contemplated here highly dubious if not self-evidently unconstitutional. There is simply no constitutional warrant for federal prosecutors to invite the federal courts to hear criminal charges arising from the process by which a person obtained a pardon, even under cover of a generously-worded criminal statute. Nor is there constitutional warrant for federal prosecutors to effectively undo a

executive. See, e.g., Metropolitan Wash. Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc., 501 U.S. 252 (1991); Bowsher v. Synar, 478 U.S. 714 (1986); I.N.S. v. Chadha, 462 U.S. 919 (1983); Buckley v. Valeo, 424 U.S. 1 (1976); Myers v. United States, 272 U.S. 52 (1926). For the reasons discussed above, a formalist approach is especially pertinent in any case that implicates the uniquely unfettered pardoning power. See also Schick, 419 U.S. at 266-67.

Professor Black illustrates the point with the following hypothetical: "Suppose a President were to announce and follow a policy of granting full pardons, in advance of indictment or trial, to all federal agents or police who killed anybody in line of duty, in the District of Columbia, whatever the circumstances and however unnecessary the killing. This would not be a crime, and probably could not be made a crime under the Constitution." Charles L. Black, Impeachment: A Handbook at 34 (1974) (emphasis added).

pardon by endlessly threatening new criminal charges against the pardoned individual. And that is precisely what is happening here — unless and until this investigation is terminated the government has effectively stripped Marc Rich of many of the privileges that a presidential pardon entails.

B. The Circumstances Surrounding The Rich Pardon Are Common

The government may wish to argue that this case is an exception to the constitutional norm, because the facts surrounding this pardon are unusual in some way, or uniquely give rise to evidence of corruption or foul play. But the only provable thing exceptional about the Marc Rich pardon is that the government has chosen to effectively nullify it with an unprecedented investigation. In reality, the facts here not only fail to set forth any crime, they parallel how the pardon process has operated since 1787.

Indeed, the historical record on this score is overwhelming and indisputable:

George Washington on his final day in office pardoned David Blair, a prominent rum smuggler convicted for his participation in the Whiskey Rebellion. Washington's reasons are not clear, though many suspected Blair supplied Whiskey to prominent revolutionaries, including Washington.

John Adams hurled his political opponents into prison under the Alien and Sedition Laws. He pardoned them on the eve of the election against Thomas Jefferson, saying he hoped the pardons would help his reelection chances. They did not.

<u>Thomas Jefferson</u> wielded the pardon power to compel testimony in the treason trial of Aaron Burr by preemptively pardoning a key witness.

James Madison pardoned a prominent slave trader and pirate, with no explanation given.

Abraham Lincoln was apparently so fond of the pardon power that Senator Elihu Root wrote: "Secretary [of War] Stanton used to get out of patience with Lincoln because he was all the time pardoning men who ought to be shot."

Andrew Johnson pardoned Jefferson Davis and granted a conditional blanket pardon to all confederate soldiers.

The modern era is no exception:

<u>Jimmy Carter</u> pardoned all Vietnam-era violators of the Military Selective Service Act, whether or not the violators had fled to avoid prosecution. *See* 42 Fed. Reg. 4391 (Jan. 24, 1977) (Pres. Proc. No. 4483).

President Carter also pardoned Irving Flores Rodriguez, Lolita Lebron, and Rafael Cancel-Miranda, who in 1954 machine-gunned the U.S. House of Representatives and wounded five Congressmen.

Ronald Reagan

In 1984, President Reagan pardoned former Louisiana agriculture commissioner Gilbert L. Dozier. Dozier was convicted in 1980 of demanding \$329,000 in campaign contributions from farmers and industry officials in exchange for permits issued by his department. The commutation was granted over the objections of the sentencing judge and the federal prosecutors in charge of the case. One of Mr. Dozier's lobbyists during the pardon process was former Reagan White House aide Lyn Nofzinger, who met personally with White House Officials. See Howard Kurtz & David Hoffman, Recent Commutation by Reagan Stirs Controversy in Louisiana, Wash. Post, July 27, 1984.

In 1989, President Reagan pardoned George Steinbrenner for conspiring to violate federal election laws. Prosecutors were never consulted and prominent Republican lawyers, including former Attorney General William Saxbe, represented Steinbrenner. See Jim Abramson, Up for a Pardon, George Steinbrenner Defeated the Odds, Wall St. J., Feb. 3, 1999.

Former President Bush

In 1989, President Bush pardoned Armand Hammer, a former head of Occidental Petroleum. Shortly before the pardons, Mr. Hammer reportedly contributed over \$100,000 to the Republican Party and \$100,000 to the Bush-Quayle Inaugural Committee. Mr. Hammer's attorney and Republican activist, was well known to then-Attorney General Dick Thornburgh. See Bella Stumbo, Hammer Pardon Turned on the Issues of Innocence, L.A. Times, Aug. 28, 1989; Pamela Mendels, Inaugural Committee Lists \$100,000 Lenders, Newsday, Jan. 19, 1989.

In 1993, two days before leaving office, President Bush pardoned Aslam Adam, a Pakistani drug trafficker who had served eight years of a 55-year sentence in federal prison in North Carolina. Mr. Adam was convicted of conspiracy to possess with intent to distribute \$1 million worth of heroin. The Assistant U.S. Attorney who prosecuted Adam, stated: "It's most unusual. . . . There must have been some diplomatic aspect. I can't see President Bush making a cavalier move on the brink of leaving in this fashion after what he's said about the war on drugs." John Monk & Gary L. Wright, Freeing of Drug Smuggler Baffles Legal Authorities, Houst. Chron., Mar. 28, 1993.

In December 1992, President Bush pardoned Caspar Weinberger and five other individuals involved in the Iran-Contra scandal. This action cut off legal proceedings that had commenced against Mr. Weinberger as a result of Independent Counsel Lawrence Walsh's investigation. Walsh harshly criticized the pardon, calling it "terrible" and "grossly wrong." James N. Jorgensen, Federal Executive Clemency Power: The President's Prerogative To Escape Accountability, 27 U. Rich. L. Rev. 345 (Winter

b6 b7С 1993); David Johnston, Bush Pardons 6 in Iran Affair, Aborting a Weinberger Trial; Prosecutor Assails Cover Up, N.Y. Times, Dec. 25, 1992.⁴⁵

President Clinton

At the end of his term, President Clinton pardoned Carlos Vignali, a cocaine trafficker.
donated more than \$150,000 to Democratic causes, including \$10,000 to
the 2000 Democratic National Committee. Letters of support from several leading
California politicians and a Roman Catholic Cardinal reportedly helped persuade Clinton
to pardon Vignali. Federal prosecutors expressed their disagreement but, like every other
pardon in history, did not pursue charges. See Would You Pardon Them?, Time, Feb. 26,
2001 ("Angry prosecutors called Vignali a drug kingpin.").

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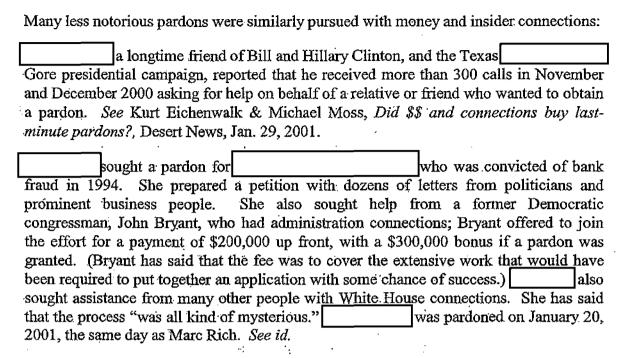
President Clinton also pardoned three men convicted during an investigation of thanks to "crucial" lobbying and support from See id.

President Clinton commuted the sentence of Melvin Reynolds, a former Illinois Congressman serving seven years for corruption and statutory rape, after a direct appeal from Jesse Jackson. Other Jackson associates who received pardons include John H. Bustameante, a former adviser who pleaded guilty to fraud in 1993, and Dorothy Rivers, a former Operation PUSH official convicted for embezzling more than a \$1 million in federal aid for homeless children. See id.

President Clinton pardoned William Fugazy, a friend of Mario Cuomo's who was convicted of hiding \$75 million from creditors. The Department of Justice earlier rejected Fugazy's pardon petition because guidelines required applicants to wait five years after conviction. Clinton ignored the Justice Department and ignored the guidelines. See id.

President Clinton also pardoned Edward Downe Jr., a publishing and financial executive, who pleaded guilty to insider trading in 1983. Downe had contributed \$21,500 to Democrats since 1991, including \$1,000 to Hillary Clinton's 2000 Senate campaign. His application was submitted directly to President Clinton with no review from the Justice Department. See id.

Professor Tribe uses the Weinberger pardon to illustrate the legally-unlimited nature of the pardon power, saying: "[N]othing prevents a President from pardoning his closest friends and associates, even if the conduct for which they have been prosecuted occurred in the course of their service in his Administration, and even if the further prosecution of those parties might otherwise implicate the President himself in criminal conduct." Laurence H. Tribe, American Constitutional Law § 4-10, at 721 (3d ed. 2000).



These historical examples are directly relevant to the charges contemplated here on a number of grounds. First, they prove that the Rich team acted no differently than countless others who have sought presidential pardons. Second, they support the view that Mr. Rich is being investigated for conduct that has never been investigated before, much less prosecuted criminally. Third; they demonstrate that the interpretation of the federal bribery statute contemplated here would permit federal prosecutors (and succeeding Presidents) to routinely investigate the background of controversial pardons. For the historical record proves that it is common for pardon-petitioners to offer substantial payments to campaign committees and/or well-connected individuals to act as lobbyists on the petitioner's behalf. If such allegations give rise to a criminal investigation, then prosecutors have an unprecedented tool for investigating the mechanics of the pardon process. For that reason alone, courts are not likely to accept such a construction, let alone do so for the first time in a case premised on weak hearsay evidence, which is all the government could present here.

C. The Rich Pardon Clearly Does Not Warrant Unprecedented Charges

In the course of this investigation, the government has suggested that this case is atypical because Mr. Rich and his defense team sidestepped the Department of Justice to petition President Clinton directly. The suggestion has been that this fact may provide circumstantial evidence of a criminal intent on the part of Mr. Rich and members of the defense team. But this suggestion is incorrect, and it fails as a matter of law. Putting aside that Deputy Attorney General Holder specifically advised to send the petition directly to the White House, the constitutional pardon power explicitly warrants direct appeals to the President. No role whatsoever is provided for prosecutors or lower government officials in the pardon process. Indeed, the whole point of the pardon clause is to permit Presidents to grant pardons no matter what prosecutors or other officials may think.

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Alexander Hamilton emphasized this point, saying:

[A]s men generally derive confidence from their numbers, they might often encourage each other in an act of obduracy, and might be less sensible to the apprehension or suspicion or censure for an injudicious or affected clemency. On the accounts, one man appears to be a more eligible dispenser of the mercy of the government than a body of men.

The Federalist No. 74, at 447–48 (emphasis added). Hamilton then reiterated, for good measure: "It is not to be doubted, that a single man of prudence and good sense is better fitted, in delicate conjunctures, to balance the motives which may plead for and against the remission of the punishment, than any numerous body whatever." Id. at 448 (emphasis added). Therefore, no less authority than the Founder's understanding of Article II flatly rejects the government's claim that it is somehow suspicious — or gives rise to circumstantial evidence that could be used against a criminal defendant charged with bribery — for an individual to present a pardon petition directly to the President.

Moreover, President Clinton himself concluded that this case falls squarely in line with what Hamilton saw as the central purpose of the constitutional pardon power. Though this office does not agree with Mr. Rich's arguments on the merits, there is no denying that President Clinton found them convincing. He has in fact stated that he "was aware of and took into account the fact that the United States attorney for the Southern District of New York did not support these pardons." Nonetheless, he granted the pardons, as the Constitution entitled him to do, reasoning that:

- 1. The RICO charges pending against Rich and Green were unprecedented and unjustified;
- 2. the Department of Energy in 1985 long after Rich was branded a fugitive found the manner in which Rich accounted for his transactions to be proper;
- 3. Professors Ginsburg and Wolfman reviewed the transactions in question and concluded that there was no basis for any tax liability;
- 4. Mr. Rich and Mr. Green's companies paid approximately \$200 million in fines and penalties to settle charges that "might not even have been warranted under the Wolfman/Ginsburg analysis that the companies correctly followed the law and correctly reported their income"; and,
- 5. the Justice Department in 1989 rejected the use of RICO in identical cases, a position that was never considered controversial.

William J. Clinton, My Reasons for the Pardons, N.Y. Times, Feb. 18, 2001.

According to President Clinton, therefore, this office has applied different rules to Mr. Rich. On that belief, this case is not the black sheep of presidential pardons. To the contrary, it exemplifies what the pardon power is all about, i.e., a constitutional escape hatch for individuals

unfairly treated by federal prosecutors. Indeed, the suggestion that there is something untoward about not permitting federal prosecutors to vet a controversial pardon simply misunderstands the Framer's intent and the nature of the pardon power itself.⁴⁶

President Clinton has further explained that he granted Mr. Rich a pardon on a number of "foreign policy" grounds, saying in part:

[F]inally and importantly, many present and former high-ranking Israeli officials of both major political parties and leaders of Jewish communities in America and Europe urged the pardon of Mr. Rich because of his contributions and services to Israeli charitable causes, to the Mossad's efforts to rescue and evacuate Jews from hostile countries, and to the peace process through sponsorship of education and health programs in Gaza and the West Bank.

Id. This case, thus, though ordinary in many respects, has added constitutional significance, as it implicates not only the President's unfettered pardon authority, but also the President's authority in the arena of foreign affairs. President Clinton made this point clear when he explained that he knew this office "did not support these pardons," yet nonetheless found the pardons warranted "in the best interests of justice," saying: "[T]he essential facts were before me, and I felt the foreign policy considerations and the legal arguments justified moving forward." Id.

Therefore, there is every reason to doubt the wisdom of moving forward with the charges contemplated here. The elementary point is that such charges would establish the first precedent for basing a criminal prosecution on some aspect of the pardon process, thus unavoidably laying the foundation for future intrusions into this uniquely unfettered area of presidential power. But perhaps more fundamentally, the President of the United States has explicitly criticized how this office handled the prosecution of Mr. Rich and, indeed, has said that he granted the pardon for this very reason, knowing full well that this office would vehemently disagree. The President is thus on record as essentially vetoing the views of this office to grant a pardon that he found warranted on the legal merits, and further justified on foreign policy grounds. For this office, then, to turn around and base unprecedented criminal charges on the process by which that

It is also inconsistent with a position recently advanced by the Justice Department before the Senate Judiciary Committee. In 1999, the Senate proposed a "Crime Victim's Rights Constitutional Amendment," which provided in part that a victim of a crime of violence had the right "to reasonable notice of and an opportunity to submit a statement concerning any proposed pardon or commutation of sentence." See S. Rep. No. 106-254, at 35 (1999). This language was strenuously opposed by the Justice Department as "an unprecedented incursion on the President's exclusive power to grant pardons." See 146 Cong. Rec. S2966-01 (daily ed. Apr. 27, 2000) (statement of Assistant Attorney General Robert Raben). Part of the problem was that requiring input by any person other than the President on the merits of a pardon petition "would arguably permit a court to reopen a pardon... and grant victims rights in a setting in which no one... has ever possessed rights." Id.

pardon was pursued, appears to raise a host of issues — both constitutional and prudential — that are peculiar to this case, and which go far beyond those already addressed above.

In sum, the government cannot escape the many threshold constitutional questions that plague this case. There is no precedent for the contemplated charges. The few Supreme Court opinions that discuss the pardon power uniformly suggest that any charges in this case (even if brought on credible evidence, which is lacking) would cross the constitutional line. And the history of the pardon power, as well as its purpose as expressed by the Framers, and its exercise in this case as confirmed by President Clinton, directly undermine any basis for a colorable prosecution. Indeed, even if the government had stronger facts, this case would still be an unconventional prosecution that should not be brought. The constitutional context is central to any defense on the merits, and the constitutional consequences of permitting the case to proceed—including the defying of presidential powers and the unprecedented intrusion of the judiciary into a purely executive process—are unavoidable. Against this backdrop, there is simply no basis for going forward with this case.

II. THE CONTEMPLATED CHARGES DO NOT MEET THE ELEMENTS OF THE BRIBERY STATUTE

Even if all of the constitutional impediments could be overcome, the proposed charges are still unwarranted because they are factually unsupported and fail on the merits. The bribery statute is vague on whether it even encompasses the facts and circumstances alleged here; if it does, its elements still could not be proven beyond a reasonable doubt. Either way, there is no basis for a prosecution.

A. The Canon Of Constitutional Avoidance Applies to This Case and Mandates The Narrowest Possible Construction of the Bribery Statute

If this prosecution were to proceed, the government would initially face a number of first impression matters regarding the federal bribery statute's unprecedented application to conduct arising out of the presidential pardon process. In passing on these matters, courts would likely employ an exceedingly narrow statutory construction. The canon of constitutional avoidance provides that "when 'a statute is susceptible to two constructions, by one which grave and doubtful constitutional questions arise and by the other of which such questions are avoided, our duty is to adopt the latter." Harris v. United States, 536 U.S. 545, 122 S.Ct. 2406, 2413 (2002) (quoting United States ex rel. Attorney General v. Delaware & Hudson Co., 213 U.S. 366, 408 (1909)). The Supreme Court has applied this canon in the context of the pardon power:

It is not to be supposed that Congress intended by the general language of the act to encroach upon any of the prerogatives of the President, and especially that benign prerogative of mercy which lies in the pardoning power.

Carlisle v. United States, 83 U.S. (16 Wall.) 147, 153 (1872) (emphasis added) (interpreting Captured and Abandoned Property Act to allow recovery by aliens who had been pardoned for aiding the Confederacy).

We submit that it would do so again here. Indeed, one way to subvert the design of the pardon power is to loosely interpret a criminal statute in a manner that permits prosecutors to pursue pardoned individuals with endless hearings, grand juries, and legal fees, or to effectively undo a pardon on threat of indefinite exposure to new criminal charges. As the historical record proves, a generous construction of the federal bribery statute would permit prosecutors and courts to routinely investigate facts and circumstances surrounding controversial pardons. As indicated, there is no constitutional warrant for such intrusions, even if Congress intended to permit them, which is not the case here.

Moreover, putting to the side the many constitutional concerns, the following statutory analysis demonstrates overwhelmingly that there is no statutory basis for this case to proceed. The contemplated charges raise substantial questions of first impression under virtually every substantive element of the bribery statute. As the statute would not consistently be interpreted in the government's favor, on account of the avoidance canon, existing precedent, and other settled rules of construction, this investigation should be terminated.

B. Overview Of The Federal Bribery Statute, 18 U.S.C. § 201

1. Subsections (b) and (c)

The federal bribery statute, which is set forth below, comprises two distinct offenses. The first offense (bribery), is codified in section 201(b). This provision prohibits the giving or accepting of anything of value to or by a public official, if the thing is given "with intent... to influence" an official act, or if it is received by the official "in return for... being influenced."

Section 201(b) provides in relevant part:

Whoever—(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—(A) to influence any official act....

Section 201(c) provides in relevant part:

Whoever—(1) otherwise than as provided by law for the proper discharge of official duty—(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official. . . .

The second offense (illegal gratuity), is codified in section 201(c). This provision prohibits the giving or accepting of anything of value "for or because of" any official act; it is commonly understood to prohibit "personal gifts that could unduly affect a public official's performance of his duties." *United States v. Brewster*, 506 F.2d 62, 78 (D.C. Cir. 1974).

Generally speaking, conviction for either offense requires proof of the same basic six elements:

- 1. a public official;
- 2. a thing of value;
- 3. an offer or promise;
- 4. made for the benefit of the public official (or in the case of bribery, of some other person or entity);
- 5. in exchange for an official act;
- 6. with the requisite criminal intent.

In the run of cases, these six elements are broadly construed. See, e.g., United States v. Alfisi, 308 F.3d 144, 150-52 (2d Cir. 2002); Parks v. United States, 355 F.2d 167, 168 (5th Cir. 1965) (noting "broad construction to be given this statute"). But where, as here, charges are premised on contributions to an elected political official, the Supreme Court demands textual precision. See, e.g., United States v. Sun-Diamond Growers, 526 U.S. 398, 412 (1999) ("[A] statute in this field [gifts or contributions to public officials] that can linguistically be interpreted to be either a meat axe or a scalpel should reasonably be taken to be the latter.") (construing 18 U.S.C. § 201(c)); McCormick v. United States, 500 U.S. 257, 273 (1991) (holding that campaign contributions are chargeable under the Hobbs Act "only if the payments are made in return for an explicit promise or undertaking by the official to perform or not to perform an official act"); see also United States v. Tomblin, 46 F.3d 1369, 1379-81 (5th Cir. 1995) (discussing intent requirements in bribery prosecution where campaign contributions are at issue).

2. Differences between subsections (b) and (c)

There are two significant differences between the bribery and illegal gratuity provisions, and both are critical to the charges contemplated here.

First, the provisions differ on the connection required between the giving of the thing of value, on the one hand, and the doing of the official act, on the other. On this score, the illegal gratuity provision (subsection (c)) is broader than the bribery provision (subsection (b)). For example, if the connection is causally direct — if money is given to purchase or ensure an official act, as a quid pro quo — then the crime is chargeable as bribery under subsection (b). See, e.g., Alfisi, 308 F.3d at 149 ("[The] intent necessary to a bribery conviction is in the nature of a quid pro quo requirement; that is, there must be 'a specific intent to give . . . something of value in exchange for an official act."") (quoting Sun-Diamond Growers, 526 U.S. at 404-05

(emphasis in original)). But if the connection is looser — if money is given after the fact, as "thanks" for a specific official act, but not in exchange for it — then the crime is chargeable as an illegal gratuity under subsection (c). See, e.g., United States v. Myers, 692 F.2d 823, 841 (2d Cir. 1982) ("[B]ribery under section 201[(b)] requires a promise of a future act in exchange for the money given to the public official, an element not required for receipt of an unlawful gratuity under section 201[(c)].").⁴⁸

Second, the provisions differ on who or what must receive the thing of value in connection with the chargeable offense. On this score, the illegal gratuity provision is narrower than the bribery provision. For example, under the bribery provision the chargeable giving or offering of a thing of value may inure "to any other person or entity." In extreme cases, this broadening clause may criminalize the giving or receiving of campaign contributions. See Brewster, 506 F.2d at 69–70. Under the illegal gratuity provision, however, this clause — "to any other person or entity" — is omitted. Therefore, a chargeable thing of value must be given or offered directly to the public official for that official's own personal benefit. For this reason, campaign contributions are not chargeable as an illegal gratuity. See, e.g., Brewster, 506 F.2d at at 77 ("[B]ona fide contributions directed to a lawfully conducted campaign committee or other person or entity are not prohibited by [the illegal gratuity provision]."); 4 Department of Justice Manual, Title 9 Criminal ("Dep't of Justice Manual") No. 2046 ("Where the transaction represents a bona fide campaign contribution, prosecutors must normally be prepared to prove that it involved a quid pro quo understanding and thereby constituted a 'bribe' offense actionably under section 201(b).").49

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The illegal gratuity provision is not as elastic as first appears; for the government still must establish a *direct nexus* between the gratuity conferred and the official act performed by the public official. See Sun-Diamond Growers, 526 U.S. at 412.

This understanding is in line with McCormick v. United States, 500 U.S. 257, 271 (1991), which held that prosecution under the Hobbs Act cannot be premised on allegedly corrupt campaign contributions absent explicit evidence of a quid pro quo. See also Evans v. United States, 504 U.S. 255, 268-69 (1992). The Department of Justice Manual recognizes that the same heightened proof standards must apply to a bribery charge premised on a campaign contribution. See Dep't of Justice Manual, No. 2046 (2d ed. 1999) (discussing McCormick and Evans in the context of the federal bribery statute). The alleged conduct here involves offers of donations to an independent non-profit entity established to fund a presidential library. Because no reported decision discusses bribery charges premised on offers of donations to any sort of independent third party entity, it is an open question whether the charges contemplated here would trigger McCormick's heightened standard.

3. Side-By-Side Comparison

The following chart highlights the differences between the two provisions and their relevance to this case. The text in brackets marks particular features found only in one subsection, but not the other. The text in UPPER CASE TEXT highlights the key distinctions between the two subsections. Similar charts with respect to the "receiving or accepting" of bribes and illegal gratuities are set forth in the Department of Justice Manual No. 2043, and United States v. Brewster, 506 F.2d at 67.

•	§ 201(b)(1): Bribery	§ 201(c)(2): Illegal Gratuity
Status :	Whoever	Whoever
Intent	CORRUPTLY	
Act	directly or indirectly gives, offers or promises	[otherwise than as provided by law for the proper discharge of official duty,] directly or indirectly gives, offers, or promises
Thing	anything of value	anything of value
For Whom	to any public official or person who has been selected to be a public official, or TO ANY OTHER PERSON OR ENTITY	to any public official, [former public official,] or person selected to be a public official[]
Purpose	to influence any official act	FOR OR BECAUSE OF any official act performed or to be performed

C. These Elements Are Not Met Here

For the reasons discussed in this section — whether as a matter of law and statutory construction, or as a matter of fact for lack of credible evidence — neither provision of the bribery statute could be proven here beyond a reasonable doubt. Indeed, it is questionable whether the government could make its case with respect to any of four substantive elements.

1. The Public Official Element Is Not Met

The term "public official" is defined in Section 201(a), which provides:

(1) [T]he term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an

officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of the Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

18 U.S.C. § 201(a)(1). This definition is sweeping and has been liberally construed. See Dixson v. United States, 465 U.S. 482, 496 (1984) ("[T]he proper inquiry is . . . whether the person occupies a position of public trust with official federal responsibilities."). But as far as we are aware, no prosecution has ever involved bribes or illegal gratuities offered to the President of the United States, let alone in the context of presidential pardon. Indeed, whether the President may be designated a "public official" pursuant to § 201(a) is a question of first impression, that appears open for challenge.⁵⁰

ficial under Section 201, private
lic officials under that section.
no basis for prosecution. ⁵¹ The
offer or promise was made to
investigations, and thousands of
equisite link here.

The definition of public official under § 201(a) expressly includes Senators and Members of the House, but does not include the President. Moreover, while the President holds an office encompassed within the broad definition of "public official" set forth by the Supreme Court in Dixson v. United States, 465 U.S. 482 (1984), the legislative history of Section 201 says nothing about extending the bribery provisions to the President. The President also does not act "for or on behalf of the United States" when exercising the pardon power — he acts individually with no mechanism for oversight or scrutiny by any official body. Finally, the broad construction of Dixson is itself open to challenge, given that there were four dissenters in that case and new members of the Court dismiss the holding as "[a] weak (indeed, utterly unreasoned) foundation for a rule of construction that permits legislative history to satisfy the ancient requirement that criminal statutes speak plainly and unmistakably." United States v. R.L.C., 503 U.S. 291, 310 (1992) (Scalia, J., concurring, joined by Kennedy, J., and Thomas, J.).

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We understand that the government concluded that Mr. Rich offered to make a contribution to the G&P Foundation, a charitable organization in the name of his deceased daughter, in exchange for agreement to assist his team in seeking a pardon. See Alison L. Cowan, Rich Pardon Reportedly Followed Pledge to Charity of Former Wife, N.Y. Times, May 1, 2001. In addition, the grand jury has heard evidence that

These matters are irrelevant to the legal issues posed by the current investigation.

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Indeed, it is the government's burden to show that any proposed contribution to the library foundation was specifically intended to influence President Clinton. Though the government need not prove that an actual payment was made, see, e.g., United States v. Jacobs, 431 F.2d 754, 760 (2d Cir. 1970), especially on a conspiracy theory of proof, see, e.g., United States v. Manton, 107 F.2d 834, 838 (2d Cir. 1939), it still must prove an agreement to bribe or pay an illegal gratuity to influence the President. And that showing cannot be made on the sort of innuendo and cryptic conversations alleged to have occurred here. Indeed, if reported decisions from the Second Circuit and the Southern District of New York are any guide, bribery charges are uniformly premised on some direct evidence — such as undercover video or audio recordings — of a specific intent to illegally influence a public official. Dut here the government has no credible evidence (direct or indirect) that Marc Rich ever knew of any such offer (legal or illegal) to influence a public official, let alone that he made such an offer.

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Finally, whatever evidence exists is f	atally crippled by the disputed credibility of
the prosecutio	n. To satisfy the "public official" element, the
government must prove that Mr. Rich inten	ded to make illegal offers to President Clinton, by
demonstrating (a) that Mr. Rich authorized	a mu <u>lti-milli</u> on
dollar contribution to the Clinton library four	dation, and (b) that Mr. Rich intended for to
credibly relay such an offer to President C	linton. For a number of obvious reasons, neither
proposition is factually sound.	

See, e.g., Alfisi, 308 F.3d at 148 (undercover recordings support government theory of illegal gratuities and kickbacks); United States v. Guzman, 282 F.3d 177, 179 (2d Cir. 2002) (evidence in bribery prosecution included direct payments to undercover agent); United States v. Manas, 272 F.3d 159, 163 (2d Cir. 2001) (in prosecution for bribery and other crimes "[t]he government presented, among other evidence, taped recordings of numerous conversations involving the co-defendants and the testimony of the undercover agent and defendant"); United States v. Dhinsa, 243 F.3d 635, 661-62 (2d Cir. 2001) (bribery conviction on "overwhelming evidence" including the direct testimony of government inspector who received illegal payments); United States v. Russo, 110 F.3d. .948, 951 (2d Cir. 1997) (conspiracy to commit bribery charge supported by videotapes and recordings of meetings with undercover agents); Cousin v. Office of Thrift Supervision, 73 F.3d 1242, 1245-46 (2d Cir. 1996) (direct offer and payment made to government official in the course of undercover sting operation). The government might point to United States v. Gallo, 863 F.2d 185, 189 (2d Cir. 1988), which affirmed a bribery conviction on circumstantial evidence, including an offer of "payment of money to a 'contact in Washington," and evidence that the defendants "talked in codes" and "covered their 'paper trail." But the circumstantial evidence in Gallo is light years removed from anything alleged here. Gallo arose from the investigation of the Gambino racketeering enterprise, and included direct electronic surveillance, phone recordings, and the testimony of an accomplice who detailed the defendant's participation in an intricate bribery scheme. See id. at 187-88. No such evidence could be presented here.

First, the core allegation in this case is simply not credible. Sophisticated individuals like Marc Rich and a former Mossad agent like would not concoct a scheme to bribe the President of the United States with multi-million dollar contributions to a presidential foundation which are recorded as a matter of public record. A contribution in the amount of several millions of dollars would attract obvious scrutiny, and if these individuals contemplated a payment they believed was corrupt, they most assuredly would propose a more inventive and secretive scheme. It goes without saying, moreover, that Messrs. Rich and would vigorously contest such far-fetched allegations.	ъ6 ъ7с
Second, the sustained, almost frantic efforts to gain support for the pardon including the final discussions between former President Clinton and are all inconsistent with the notion that the "fix was in."	*
Third, the bribery theory is wholly contradicted by both the President's strong affirmation that he made the pardon decision on the merits, as well as the support for the pardon by Deputy Attorney General Holder and various world leaders.	ā
Fourth, there is apparently no evidence of Mr. Rich's knowledge and involvement in the alleged offer, let alone that he authorized or approved it. It is elementary that Mr. Rich cannot be convicted of bribery unless he "expressed an ability and desire to pay" the alleged bribe. United States v. Jacobs, 431 F.2d 754, 760 (2d Cir. 1970); see also United States v. Shulman, 624 F.2d 384, 387 (2d Cir. 1980) (holding that "acts of preparation" to establish the willingness of a public official to accept a bribe cannot make out an offense); id. ("Only after Shulman authorized the payment of a bribe was the actual offer of a bribe completed.") (emphasis added). Accordingly, because there is no credible evidence that Mr. Rich ever authorized or desired the payment of a bribe—whether before or after—spoke with—there is no basis for bringing this case. 53	ъ6 ъ70
Fifth, the proposed prosecution is based on evidence that does not meet the minimum level of sufficiency required to warrant prosecution of a bribery case. Department of Justice guidance provides that "a Federal prosecutor should not be satisfied with merely developing witnesses to public corruption. These witnesses must be corroborated in every way possible, to overcome the very real presumption of innocence a jury will likely afford to a defendant/public official." Public Integrity Section Criminal Division, U.S. Department of Justice, The Use of the Undercover Technique in Corruption Investigations, in Prosecution of Public Corruption Cases, at 103 (1988). "If a case rests on the uncorroborated testimony of a bribe payer, the case will probably be lost." Public Integrity Section Criminal Division, U.S. Department of Justice, Common Defenses, in Prosecution of Public Corruption Cases, at 231 (1988). Thus, as the case law confirms, Moreover, even in the event that the alleged offer could implicate Mr. Rich, for reasons	b6 b7C
discussed in detail below, statements are not admissible against Mr. Rich. See infra, at 36–37.	

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evidence sufficient to support a bribery case typically includes taped conversations in which the proposed payment is discussed, as well as some evidence of receipt of corrupt payments in accounts traced to a public official. There is simply no corroboration, documentary or otherwise, for the core allegation in this case.

In short, with no credible evidence that offers of any kind were made or intended to be made to any public official, or to influence any public official, the government could not meet its burden under the "public official" element of federal bribery statute.

2. The "Anything of Value" Element Is Not Met

The phrase "anything of value" is used throughout Title 18, and has been broadly construed to include tangible as well as intangible things. See, e.g., United States v. Girard, 601 F.2d 69, 71 (2d Cir. 1979). The phrase has also been read to focus not on commercial value, but on the worth (or "value") that the intended recipient attaches to the offered "thing." See, e.g., United States v. Williams, 705 F.2d 603, 622–23 (2d Cir. 1983). Even under this broad construction, however, the government still could not prove this element on the facts alleged.

a. "Anything of Value" Under Subsection (c)

The "anything of value" element forecloses any possibility of prosecuting Marc Rich under the illegal gratuity provision of Section 201. For even if we assume that donations were made to the Clinton Library Foundation, and that such donations were made to influence President Clinton, the element *still* is not met. As the Department of Justice Manual explains, donation to a political party or campaign committee cannot make out an illegal gratuity charge. See Dep't of Justice Manual No. 2043 (discussing Brewster, 506 U.S. at 67–68). And donations to a presidential library foundation warrant the same result.

That is because the Clinton Library (no less than the Democratic National Committee) is an entity, not a public official, and donations to entities are not chargeable as illegal gratuities. For the government to pursue an illegal gratuity charge, thus, it must read "or entity" into the phrase "to any public official, former public official, or person selected to be a public official." 18 U.S.C. § 201(c). But no court would accept that construction, because Congress in § 201(c) specifically removed the phrase "other person or entity," which is included in the parallel bribery provision, § 201(b). See, e.g., Barnhart v. Sigmon Coal Co., 534 U.S. 438, 452 (2002) ("[W]hen Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.") (internal quotations and citations omitted).

Therefore, any prosecution under § 201(c) is not only factually untenable — it is textually foreclosed. The donations alleged to have been offered here are donations to entities, and donations to entities cannot be illegal gratuities.

b. "Anything of Value" Under Subsection (b)

It is an open question whether the government could make out the "anything of value" element to support a bribery charge. But we submit that the element would be strictly construed against the government. No reported case holds (or even suggests) that donations to an independent non-profit organization such as a presidential library are sufficient to make out a bribery case. Therefore, any such construction here would require the unprecedented conclusion that donations to independent third-party entities are chargeable as bribes. There is no reason to think that a court would accept such a novel construction for the first time in a case of this magnitude, with the many constitutional and prudential considerations that compel a narrow reading.

The government's best case on this score is *United States v. Williams*, 705 F.2d 603, 622—23 (2d Cir. 1983), which held that the "value" of a bribe is to be subjectively measured from the standpoint of the public official for whom the bribe is offered or given. The panel there affirmed the conviction of a United States Senator who received worthless stock in exchange for an official act on the ground that the Senator believed the stock to be valuable when the bribe was consummated. *See* 705 F.2d at 623; *see also United States v. Gorman*, 807 F.2d 1299, 1305 (6th Cir. 1986) ("[T]he focus of the above term is to be placed on the value which the [recipient] subjectively attaches to the items received."). That holding is clearly correct — a public official should not escape liability simply because the stock market plummets on the eve of cashing in a bribe. But it does not apply here.

Williams was a classic bribery case. The defendant was a public official who expected to receive considerable personal value in direct exchange for a promise to perform an official act. See Williams, 705 F.2d at 622 ("When the Senator received shares of stock ... he expected these shares to have considerable value, representing not only the potential value of the properties but also the benefit of the contemplated loan of \$100 million."). This case is entirely different, because (among many other things) no such value inures from donations to an independent nonprofit entity. Even if it did, moreover, nothing in Williams addresses whether a donation to an independent third-party entity (let alone a nonprofit entity) might trigger liability under \$201(b). In fact, few reported cases address the "thing of value" element at all, presumably because bribery prosecutions are more clear cut, and rest on better evidence, than the sort of evidence alleged here.⁵⁴

If the United States Code Annotated can be relied upon, "anything of value" under Section 201 has been the subject of judicial construction in only four cases. The 2000 edition of the U.S.C.A. lists United States v. Gorman, 807 F.2d 1299 (6th Cir. 1986); United States v. Williams, 705 F.2d 603 (2d Cir. 1983); United States v. Williams, 7 F. Supp. 2d 40 (D.D.C. 1998); and United States v. Sun-Diamond Growers, 941 F. Supp. 1262 (D.D.C. 1996). Only two of these cases (Williams (2d Cir.)) and (Gorman (6th Cir.)) involved the scope of "anything of value" under Section 201(b), and the other two cases have either been vacated, United States v. Williams, 240 F.3d 35 (D.C. Cir. 2001), (Continued...)

The government may argue that because intangibles (such as sex, employment, or companionship) are things of value under other criminal provisions, see, e.g., United States v. Nilson, 967 F.2d 539, 542 (11th Cir. 1992) ("Congress' frequent use of 'thing of value' in various criminal statutes has evolved the phrase into a term of art which the courts generally construe to envelope tangibles as well as intangibles.") (construing 18 U.S.C. § 876), then donations to a nonprofit entity must be things of value under § 201(b), so long as they are offered with an intent to influence the conduct of a public official. This argument has some textual support under the "any other person or entity" prong of § 201(b), but it ultimately fails because it stretches the statute well beyond its accepted meaning.

We have found only one reported case that addressed whether bribery charges could be brought where (as here) the benefit of the "thing of value" accrued entirely to an independent third-party entity. In that case, a New Jersey appellate court construing a statute similar to § 201(b) affirmed a bribery conviction of a town zoning official who in consideration for a zoning permit accepted a \$500,000 donation to a parochial school. See New Jersey v. Schenkolewski, 693 A.2d 1173, 1185–86 (N.J. Super. Ct. App. Div. 1997). But Mr. Schenkolewski was the head of the parochial school, he received a salary from the school, and he had full control over its funds. President Clinton has no such relationship to his presidential foundation, which is an independent non-profit entity organized under Section 501(c)(3) of the Internal Revenue Code.

Moreover, while subsequent legislative materials are not generally relevant to the interpretation of prior enactments, it is interesting that the United States Senate in 1991 refused to recognize that § 201(b) criminalizes donations to independent third party entities. In the context of the Five investigation, the Senate's Select Committee on Ethics concluded that vast donations by and others to tax exempt organizations could not make out a bribery offense, even where such donations were "substantially linked" to a Senator's official acts. See Final Report of The Select Committee on Ethics, Investigation of Senator Alan Cranston, 137 Cong. Rec. S17175 (Nov. 20, 1991). Significantly, the Committee treated donations to non-profit entities no differently than donations to campaign committees, the latter of which trigger heightened proof standards and thus cannot support a bribery charge without strong evidence of a quid pro quo. See, e.g., McCormick v. United States, 500 U.S. 257, 271 (1991).

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It therefore appears that although the "anything of value" element of Section 201(b) is generously construed in the typical case, the government here must break new ground to support a theory that donations to an independent nonprofit entity are chargeable to the donor as an

or reversed, *United States v. Sun-Diamond Growers*, 526 U.S. 398 (1999). Our research has not uncovered other reported decisions discussing this element, which underscores the lack of judicial guidance on whether the element reaches the facts alleged here. Indeed, the proper construction of "anything of value" under § 201(b) is but one of the many questions of first impression that this case would unavoidably trigger.

attempted bribe. Because this intensely high profile case is constitutionally suspect to begin with, involves no direct evidence of wrongdoing, and prompts inevitable political controversy, it is simply not the place to test such novel legal theories.⁵⁵

3. The "Official Act" Element Is Not Met

An "official act" for the purposes of Section 201 (b) and (c) is defined as follows:

[A]ny decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

18 U.S.C. § 201(a)(3). This definition has also been broadly construed. See, e.g., United States v. Parker, 133 F.3d 322, 326 (5th Cir. 1998) ("This broad definition of 'official act' reflects Congress' intent to 'include any decision or action taken by a public official in his capacity as such.") (quoting S. Rep. No. 87-2213 (1962)); United States v. Biaggi, 853 F.2d 89, 97-98 (2d Cir. 1988) (discussing United States v. Birdsall, 233 U.S. 223 (1914)). But whether Congress intended the definition to reach the legally-unlimited presidential pardon power is an open question, to which the answer is probably no.

The Supreme Court has described a presidential pardon as "the 'private' act, the 'private deed' of the executive magistrate." Burdick v. United States, 236 U.S. 79, 88, 90 (1915) (citing United States v. Wilson, 32 U.S. (7 Pet.) 150 (1833) (Marshall, C.J.)). But see Wilson, 32 U.S. at 160-61 (describing a pardon "the private, though official, act of the magistrate") (this sentence was not cited in Burdick)). And there is no evidence that Congress intended a presidential pardon to be an "official act" for purposes of prosecution under the bribery statute.

Indeed, the singular nature of the pardon power — a power immune from any oversight or scrutiny — raises serious doubt as to whether Congress would (or could) have intended to sanction criminal investigations into matters relating to presidential pardons without explicitly saying so. Nothing in the legislative history of § 201 or its predecessor provisions, nor any

Indeed, even if such a theory would suffice in the typical bribery case, there remains the open question whether the unique context of this case calls for more stringent rules of construction. The Supreme Court has construed the text of § 201(c) with precision in the context of campaign contributions, Sun-Diamond Growers, 526 U.S. at 412, where the only competing value is the normal give and take of the political process. That value is equally present here, and it is significantly amplified by the unprecedented constitutional context of a bribery prosecution arising from a presidential pardon. It is thus doubtful whether the government could count on the liberal rules of construction that might govern in a more-conventional bribery case where the chargeable offer involved donations to an independent third-party entity.

reported case of which we are aware, discusses the prospect of a bribery prosecution arising from a presidential pardon. And no court has ever interpreted *any* law to permit inquiry into the pardon process for any reason. This would be the first.

The government may argue that by broadly drafting the federal bribery provisions, Congress intended to proscribe private individuals from seeking undue influence through gifts or promises of financial reward, even in the course of seeking a pardon. But broad statutory language merely creates the interpretive problem — it does not resolve it. No matter that an interpretation seems sensible to the government, the fact remains that no court has *ever* read a statute (any statute) to alter or abridge in any way the President's uniquely unfettered prerogative to grant pardons.⁵⁶

In short, the power to pardon is the personal privilege of the President, immune from oversight by anyone other than the public at large; and even then only indirectly, either at the polls or in the history books. Unlike official powers that are held in public trust, the constitutional pardon power has historically been understood as authorizing individual acts of grace irrespective of public sentiment, often in the face of public controversy and uproar. Accordingly, if Congress intended for a general bribery statute to create the first ever mechanism for official scrutiny of presidential pardons, it surely would have spoken with a more direct voice than simply extending the sanction generally to conduct involving "an official act." ⁵⁷

It is significant on this score that the practice of granting pardons for money was a well-known aspect of the King's power under English common law, see, e.g., 3 U.S. Dep't of Justice, The Attorney General's Survey of Release Procedures 30 (1939) ("There was apparently no disgrace in the offer of a sum of money to the King or to other persons [in return for a pardon]."); Daniel T. Kobil, The Quality of Mercy Strained: Wresting the Pardoning Power from the King, 69 Tex. L. Rev. 569, 588 (1991) ("[In England] even the outright sale of pardons was commonplace"), and the Supreme Court has repeatedly and consistently held that the Constitution vests American Presidents with elemency powers equivalent to those possessed by the English King, see, e.g., Schick v. Reed, 419 U.S. 256, 261 (1974); Ex parte Wells, 59 U.S. (18 How.) 307, 309 (1855); United States v. Wilson, 32 U.S. (7 Pet.) 150, 160 (1833) (Marshall, C.J.). On what authority, thus, could Congress extend the federal bribery statute to criminalize even the most egregious examples of payment in specific exchange for a presidential pardon? We submit that there is no such authority, absent an amendment to the Constitution.

The government must also consider that even if a pardon is an official act under § 201, the sort of evidence available to prove that a pardon-petitioner sought to criminally influence the pardon process will be restricted. An apt analogy is to the Constitution's Speech and Debate Clause, Art. I, § 6, cl. 1, which does not shield Senators and Representatives against bribery charges, see, e.g., United States v. Johnson, 383 U.S. 169 (1966), but which does impose significant limits on the type of evidence that can be used to prove that offense, see, e.g., United States v. Helstoski, 442 U.S. 477 (1979) (reversing (Continued...)

4. The "Intent and Causal Connection" Elements Are Not Met

a. Intent Under Section 201(b)

The Second Circuit recently summarized the "corrupt" intent requirement of the bribery provision:

The "corrupt" intent necessary to a bribery conviction is in the nature of a quid pro quo requirement; that is, there must be "a specific intent to give... something of value in exchange for an official act." Putting it only slightly differently, bribery involves the giving of value to procure a specific official action from a public official.

conviction of congressman where evidence touched upon constitutional prerogatives of the legislative branch). See also United States v. Durenburger, No. CRIM 3-93 65, 1993 WL 738477, at *1 (D. Minn. Dec. 3, 1993) (bribery indictment dismissed where grand jury evidence improperly revealed "information about the performance of legislative acts and the legislator's motivation in conducting official duties") (quoting Helstoski, 442 U.S. at 489); Dep't of Justice Manual No. 2046 ("[W]here an official of the Legislative branch is the intended recipient [of a bribe], the task of proving the 'official act' element can present prosecutors with unique challenges."). As the Supreme Court reasoned in Helstoski. "Ithe Speech and Debate Clause was designed neither to assure fair trials nor to avoid coercion. Rather, its purpose was to preserve the constitutional structure of separate, coequal, and independent branches of government." 442 U.S. at 491. Separation of powers principles being no less implicated here, see supra, at 11-15,/a similar principle should exclude the admissibility of predecisional deliberations closely linked to the President's exercise of his pardon authority. A corollary matter is executive privilege, which President Clinton may invoke if called to testify in this case. boundaries of this privilege are unclear, and as far as we are aware, entirely unknown in the context of pardon deliberations. See generally United States v. Nixon, 418 U.S. 683; 703-13 (1974); Mark J. Rozell, Restoring Balance to the Debate Over Executive Privilege, 8 Wm. & Mary Bill of Rights L.J. 541, 567 (2000) ("There are no clear, precise constitutional boundaries that determine, a priori, whether any particular claim of executive privilege is legitimate. The resolution to the dilemma of executive privilege is found in the political ebb and flow of the separation of powers system."). What is relevant for present purposes, however, is that even if a court interprets the "official act" element as extending to presidential pardons, the singularity of the pardon power and the principles of divided powers will certainly restrict the evidence available to make out a bribery charge. Accordingly, because the evidence here is entirely circumstantial, opportunities for the government to prove its case, or for the pardoned-defendant to receive a fair trial, will be significantly impaired.

United States v. Alfisi, 308 F.3d 144, 149 (2d Cir. 2002) (quoting Sun-Diamond Growers, 526 U.S. at 404-05 (emphasis in original)); see also United States v. Jennings, 160 F.3d 1006, 1013 (4th Cir. 1998) ("Under § 201 'corrupt intent' is the intent to receive a specific benefit in return for the payment. In other words, the payor of a bribe must intend to engage in some more or less specific quid pro quo with the official who receives the payment") (citing United States v. Irwin, 354 F.2d 192, 197 (2d Cir. 1965)) (quotations and other citations omitted); Dep't of Justice Manual No. 2044 ("[T]he bribery statute requires proof of an actual or intended quid pro quo: one thing in exchange for another"). For the government to establish this element, therefore, it must prove that Marc Rich specifically intended to offer the President a thing of value and to secure a presidential pardon in return for the offer. As we have already explained, the evidence required to make that showing is sorely lacking here.

b. Intent Under Section 201(c)

Finally, under Section 201(c), which does not require quid pro quo, the government still must prove a direct nexus between the gratuity and some official act. This is because the provision only prohibits gratuities given or offered "for or because of any official act performed or to be performed." 18 U.S.C. § 201(c) (emphasis added); see, e.g., Sun-Diamond Growers, 526 U.S. at 414 ("[T]he Government must prove a link between a thing of value conferred upon a public official and a specific 'official act' for or because of which it was given."). Therefore, even if the government could prove that a donation to an independent entity qualified as a "thing of value" under the illegal gratuity provision — an argument that is textually foreclosed, see supra at 29-30 — the government still must prove that such donations were to be offered "for or because of" the pardon by the President. Again, as demonstrated repeatedly in this submission, there is no such provable evidence here.

At bottom, the weaknesses in the proposed charges are replete and glaring. First, even if we assume that all of the government's evidence would be admissible, there is no credible evidence that Marc Rich or any of his associates offered or intended to offer anything of value to any public official. Second, donations to an entity like a presidential library foundation are not chargeable as illegal gratuities. Third, the government's theory that such donations may be chargeable as a bribe is unprecedented and unlikely to succeed. Fourth, even assuming such donations were offered (an assumption resting on testimony of one witness with dubious credibility), and that such offers were made with the specific intent to influence the President (an assumption resting on no evidence whatsoever), the government's case would still rest entirely on a series of untested legal theories and weak circumstantial evidence. For all of these reasons, the contemplated charges are unsupportable and there is no basis for proceeding with this case.

D. The Government's "Best" Evidence Is Not Admissible Against Marc Rich

This submission has assumed all along that the government could present its best circumstantial case against Marc Rich. For even on that assumption, the government still lacks any constitutional or factual basis for going forward with this case. Yet that assumption is wrong. The strongest circumstantial evidence is not admissible against Marc Rich.

The government rests much of its case on the alleged hearsay statements of Mr. Azulay, which purport to show that an offer was in the works and that that offer was intended to be relayed to President Clinton. Putting aside obvious problems of credibility and logic, these statements are admissible against Marc Rich only if they fall within the co-conspirator exception to the hearsay rule. The governing rule is Federal Rule of Evidence 801(d)(2)(E), which provides that an out-of-court statement "by a coconspirator of a party during the course and in furtherance of the conspiracy" is not hearsay, even when offered to prove the truth of the matter asserted. See Bourjaily v. United States, 483 U.S. 171, 173 (1987). To lay a proper foundation under this rule, the government must prove "by a preponderance of the evidence first, that a conspiracy existed that included the defendant and the declarant; and second, that the statement was made during the course of and in furtherance of the conspiracy." United States v. Padilla, 203 F.3d 156, 161 (2d Cir. 2000) (quotations and citation omitted).

The question here is whether a foundation can be laid to prove Marc Rich's participation in a conspiracy to bribe the President of the United States in exchange for a pardon. The answer is no, because other than the alleged co-conspirator hearsay statements themselves, there exists no independent evidence of such a conspiracy, let alone that Marc Rich was a participant. See, e.g., United States v. Diaz, 176 F.3d 52, 83 (2d Cir. 1999) ("[Co-conspirator] hearsay statements are presumptively unreliable, and, for such statements to be admissible, there must be some independent corroborating evidence of the defendant's participation in the conspiracy." (emphasis added; quoting United States v. Tellier, 83 F.3d 578, 580 (2d Cir. 1996)); United States v. Gigante, 166 F.3d 75, 82 (2d Cir. 1999) (same) (quoting Tellier, 83 F.3d at 580)); United States v. Clark, 18 F.3d 1337, 1341-42 (6th Cir. 1994) ("Since Bourjaily, all circuits addressing the issue have explicitly held absent some independent, corroborating evidence of defendant's knowledge of and participation in the conspiracy, the out-of-court statements remain inadmissible.") (emphasis in original; citations omitted). 58

To conceivably claim otherwise, the government must argue that because offered a multi-million dollar donation, and because only Marc Rich had the resources to fund such a donation, Marc Rich must be implicated in the conspiracy. No authority supports the view, however, that statements by one individual to employ resources illegally can implicate the owner of the resources in a conspiracy.

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Indeed, in *United States v. Gigante*, 166 F.3d 75, 83 (2d Cir. 1999), the court held that a mafia boss was "necessarily involved" in a murder conspiracy because he was required by virtue of his position to authorize the murder. But to the extent that holding applies here, it supports Marc Rich. *First*, the *Gigante* court found "substantial corroborating evidence" of the

Circumstantial evidence of "idle chatter" or "merely narrative" descriptions by a conspirator do not generally meet the standards of admissibility under Rule 801(d)(2)(E). See United States v. Beech-Nut Nutrition Corp., 871 F.2d 1181, 1199 (2d Cir. 1989) (citing United States v. Lieberman, 637 F.2d 95, 103 (2d Cir. 1980)); United States v. Heinemann, 801 F.2d 86, 95 (2d Cir. 1986).

defendant's participation in the conspiracy. See id. at 83 ("There was substantial direct and	
circumstantial evidence connecting Gigante to each of the crimes for which he was convicted.").	
There is no such evidence here. Second, the court rejected the admissibility of co-conspirator	
statements that suggested no crime would be committed without the defendant's explicit	•
permission: See id. Similarly here, even assuming that thought a substantial	
contribution to the Clinton Library might influence the President's decision on the merits of the	
petition, there is no credible evidence that Marc Rich authorized to extend any such	b 6
offer. See, e.g., United States v. Shulman, 624 F.2d 384, 387 (2d Cir. 1980) (holding that "the	b7C
actual offersof a bribe" is completed only if the principal has "authorized the payment of a	
bribe"). To the contrary, according to the government's evidence, where money was to be	•
transferred to (the G&P Foundation payment) the evidence shows that the parties	
required a legitimate arrangement committed to writing.	
In sum, without independent corroborating evidence of a conspiracy to bribe the	
President, and of Marc Rich's participation in such a conspiracy, the alleged statements of	
are inadmissible against Marc Rich. We respectfully submit that because no credible	b6
evidence supports either finding, there is no basis for bringing the charges contemplated here,	b7C

III. THE INTERESTS OF THIS OFFICE, THE PRESIDENCY, AND THE POLICIES OF THE DEPARTMENT OF JUSTICE MILITATE AGAINST BRINGING THIS CASE AGAINST MARC RICH

even if every other legal and constitutional impediment could be overcome.

Strong prudential factors also militate against pressing charges here. This matter directly implicates President Clinton and the institutional integrity of the presidency; the pardon process itself is squarely at issue, and President Clinton is integral to any defense on the merits. Given the thin factual record and the numerous constitutional and statutory difficulties already discussed, carrying this case forward seriously risks the reputation and authority of the presidency itself.

A. The Testimony of President Clinton Is Central To This Case.

The testimony of President Clinton is integral to any defense on the merits and would be required if this case reached the trial stage. The Sixth Amendment provides that "the accused shall enjoy the right... to have compulsory process for obtaining witnesses in his favor." Because this right is an essential attribute of the adversary system itself, the Supreme Court has repeatedly declared that "[f]ew rights are more fundamental than that of an accused to present witnesses in his own defense." Chambers v. Mississippi, 410 U.S. 284, 302 (1973). 59 It is

See also Taylor v. Illinois, 484 U.S. 400, 409 (1988) ("The right to compel a witness' presence in the courtroom could not protect the integrity of the adversary process if it did not embrace the right to have the witness' testimony heard by the trier of fact."); Washington v. Texas, 388 U.S. 14, 20 (1967) ("[T]he Framers of the Constitution felt it necessary specifically to provide that defendants in criminal cases should be provided the (Continued...)

settled, thus, that if a criminal defendant makes "some plausible showing" that a witness is "material and favorable to his defense," the jury must hear testimony from that witness for a trial to comport with due process and the Sixth Amendment. United States v. Valenzuela-Bernal, 458 U.S. 858, 867 (1981); see also Pennsylvania v. Ritchie, 480 U.S. 39, 56 (1987) ("[C]riminal defendants have the right . . . to put before a jury evidence that might influence the determination of guilt.") (emphasis added).

President's Clinton's testimony clearly meets that standard. He has said:

The suggestion that I granted the pardons because Mr. Rich's made political contributions and contributed to the Clinton Library foundation is utterly false. There was absolutely no quid pro quo. Indeed, other friends and financial supporters sought pardons in cases which, after careful consideration based on the information available to me. I determined I could not grant.

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William J. Clinton, My Reasons For The Pardons, N.Y. Times, Feb. 18, 2001 (emphasis added). He has further set forth at least eight independent reasons for granting the Rich and Green pardons on the merits, and declared that his decision "was in the best interests of justice." Id. He concluded:

If the two men were wrongly indicted in the first place, justice has been done. On the other hand, if they do personally owe money for Energy Department penalties, unpaid taxes or civil fines, they can now be sued civilly, as others in their position apparently were

Id. These statements and others go to the heart of any defense on the merits. They support the defense theory that the Rich pardon is not only fully consistent with other pardons by other Presidents, but also exemplify why it is that Presidents possess an unfettered pardon power to begin with, i.e., to prevent or temper a perceived miscarriage of justice. Viewed thusly, the pardons were rightfully pursued, consistent with the Constitution, and decided on the merits.

The government is thus mistaken if it believes that this matter could be prosecuted without implicating Bill Clinton or the presidential pardon process. To the contrary, the former President's testimony is a necessary condition of a constitutionally fair trial. There are three consequences to this fact. First, it would unleash a media circus with attention focusing (fairly or unfairly) on the implicit and explosive allegation that former President Clinton granted a pardon in exchange for a bribe. Second, it would require the President to divulge inner-most deliberations with staff on pardon matters, thus necessarily implicating executive privilege. If privilege matters could not be overcome, the defense would be denied needed information, and the prosecution could not go forward. If privilege matters could be overcome, this case would

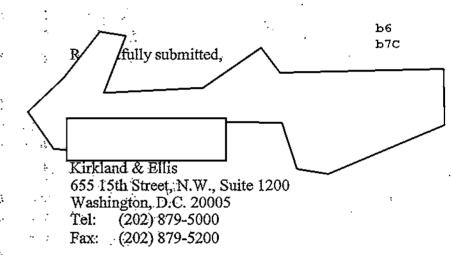
means of obtaining witnesses so that their own evidence, as well as the prosecution's, might be evaluated by the jury.").

represent an unprecedented intrusion by the judiciary into a purely executive function. *Third*, any trial involving the testimony of the former President, combined with other prominent potential witnesses for the defense, including Messrs. Garment, Libby, Ginsburg, Wolfman, and would realistically doom any chance that this prosecution would succeed on the merits.

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CONCLUSION

For all the reasons discussed, we respectfully submit that the proposed case against Marc Rich is untenable on a number of grounds. It is unsupported by the factual record. It is an unprecedented and unreasonable application of the Federal bribery laws. And it would be the first time in the history of the United States that criminal charges arose from the process by which an individual sought a presidential pardon. In short, the case should not be brought and this investigation should be brought to a close.



Attorneys for Marc Rich

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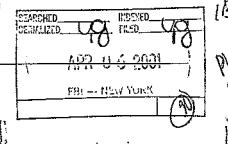
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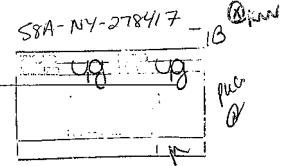
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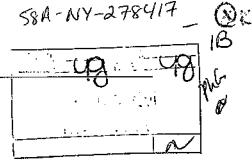
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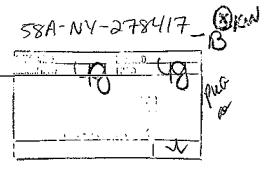
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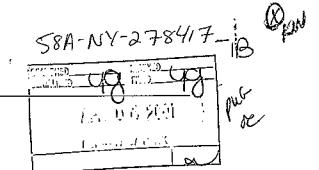
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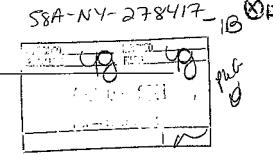
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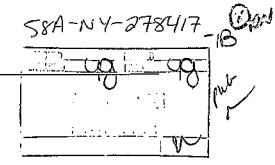


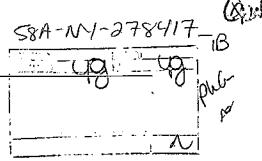
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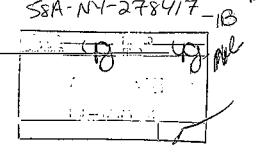
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Barcode: E02083571 Location: ECR8

04/02/2001

Grand Jury Material (Disseminate only pursuant to Rule 6(e))

Case Number: 58A-NY-278417 Owning Office: NEW YORK



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Grand Jury Material (Disseminate only pursuant to Rule 6(e))

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Grand Jury Material (Disseminate only pursuant to Rule 6(e))

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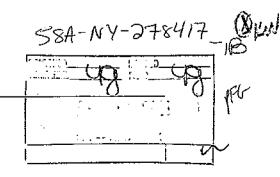
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Case Number: 58A-NY-278417 Owning Office: NEW YORK



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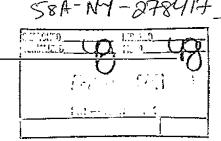
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Grand Jury Material (Disseminate only pursuant to Rule 6(e))

Case Number: 58A-NY-278417 Owning Office: NEW YORK

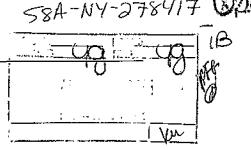


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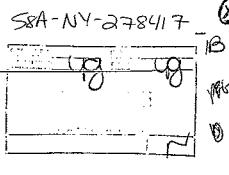
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Grand Jury Material (Disseminate only pursuant to Rule 6(e))

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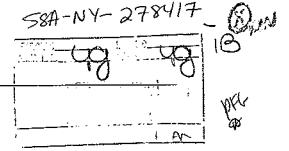
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08:44:16	FD-192	Page 1	
Title and Character of C	ase:		
CLINTON, WILLIAM, J			
Date <u>Property Acquired:</u>	Source from which Property Acquired:		
Anticipated Disposition:	Acquired By: Case Agent		ъ3
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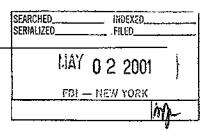
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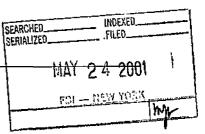
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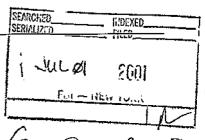
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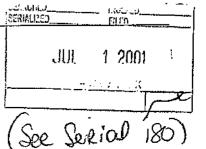
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Case Number: 58A-NY-278417 Owning Office: NEW YORK

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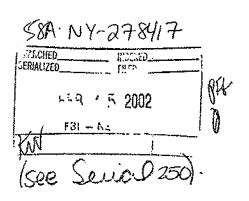
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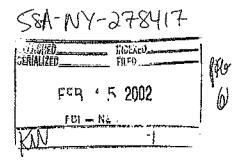
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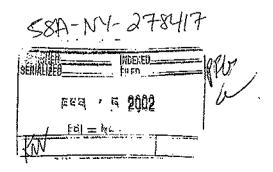
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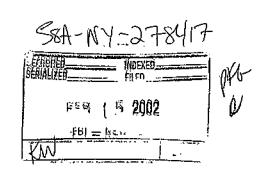
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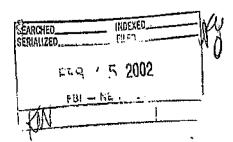
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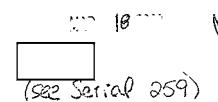
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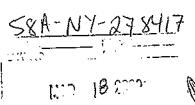
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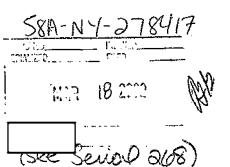
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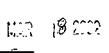
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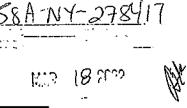
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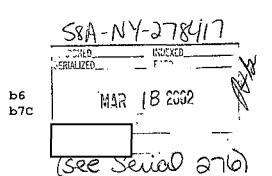
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b6 Per CBP

Date of transcription: 10/22/2003 On 10/22/2003, U.S. Custom's Service, and provided the following information: Per CBP On the above date, used a International Airport from Europe with his wife and two children. used a Inited States passport and both children were Canadian citizens. Will stay in the United States for one week and attend a charity event for the advised that he would fax SA documents which relate to travel to the United States. Description on 10/22/2003 ** New York, New York (telephonically) The # 58A-NY-278417-508 300-31 Date dictated N/A						אוכ	
On 10/22/2003, U.S. Custom's Service, telephonically contacted Special Agent (SA) and provided the following information: Per CBF On the above date, arrived at JFK International Airport from Europe with his wife and two children, used a United States passport and both children were Canadian citizens. will stay at the Flat Eotel located on West 52nd Street in Manhattan. will stay in the United States for one week and attend a charity event for the advised that he would fax SA documents which relate to travel to the United States. b6 Per FBI b7c b6 Per FBI b7c b6 Per FBI b7c Lovestigation on 10/22/2003 M New York, New York (telephonically) File # 58A-NX-278417-SUB 302-317 Date distated N/A				Data of in	anscription	10/22/2001	2
telephonically contacted Special Agent (SA) provided the following information: Per CBP On the above date, International Airport from Europe with his wife and two children. used a United States passport and both children were Canadian citizens. will stay at the Flat Hotel located on West 52nd Street in Manhattan. week and attend a charity event for the advised that he would fax SA documents which relate to travel to the United States. b6 Per FBI b7c b6 Per FBI b7c b6 Per FBI b7c b6 Per FBI b7c Date dictated N/A		0,					
International Airport from Europe with his wife and two children. used a United States passport and both children were Canadian citizens. will stay at the Flat Hotel located on West 52nd Street in Manhattan. will stay in the United States for one week and attend a charity event for the advised that he would fax Sh documents which relate to travel to the United States. b6 Per FBI b7c b6 Per FBI b7c	telep provi	honically con	tacted Special Ag	ent (SA)	Custo		•
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- Page 148 ~ Referral/Direct;
- Page 149 ~ Referral/Direct;
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- Page 151 ~ Referral/Direct;
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- Page 169 ~ Referral/Direct;
- Page 170 ~ Referral/Direct;
- Page 171 ~ Referral/Direct;

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Precedence: ROUTINE	Date: 02/15/2001
To: New York Att	tn: Squad C-14 Rotor
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From: New York Criminal Division, White Contact: SA	Collar Branch, Squad C-14 x3488
Approved By:	,
Drafted By:	njm b6
Case ID #: 58A-NY-278417 (Pending)) b ^{7C}
Title: UNSUB(S); WILLIAM J. CLINTON - FORMER	U.S. PRESIDENT;
MARC RICH - FUGITIVE (B); ET CFPO - EXECUTIVE BRANCH; OO: NY	,
OO: NY Synopsis: To request opening of subfabove investigation.	files in administration of the
Details: Squad C-14 Rotor is requsubfiles which will serve as a repoabove captioned investigation:	uested to open the following sitory for information in the
Sub CE - Case expenditure Sub 1A - 1A exhibits	ks, searches, and information
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Page 12 ~ b6; b7C; b7E;
Page 13 ~ b6; b7C; b7E;
Page 15 ~ Duplicate:
Page 16 ~ Duplicate;
Page 17 ~ b6; b7C; b7E;
Page 18 ~ b6; b7C; b7E;
Page 21 ~ b6; b7C; b7E;
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Page 24 ~ b6; b7C; b7E;
Page 25 ~ b6; b7C; b7E;
Page 28 ~ b6; b7C; b7E;
Page 29 ~ b7E;
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Page 80 ~ b6; b7C; b7E;
Page 87 ~ b6; b7C; b7E;
Page 88 ~ b6; b7C; b7E;
Page 94 ~ b6; b7C; b7E;
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Page 105 ~ b6; b7C; b7E;
Page 106 ~ b6; b7C; b7E;
Page 109 ~ b6; b7C; b7E;
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Page 112 ~ Referral/Consult; Page 113 ~ Referral/Consult; Page 114 ~ Referral/Consult; Page 115 ~ Referral/Consult; Page 116 ~ Referral/Consult; Page 117 ~ Referral/Consult;

Precedence: ROUTINE	Date: 02/15/2001
To: New York Attn: So	quad C-14 Rotor
From: New York Criminal Division. White Collar Contact: SA	Branch, Squad C-14 x3488
Approved By:	
Drafted By: mjm	ъ6 ъ7С
Case ID #: 58A-NY-278417 (Pending)	
Title: UNSUB(S); WILLIAM J. CLINTON - FORMER U.S. P MARC RICH - FUGITIVE (B); ET AL.; CFPO - EXECUTIVE BRANCH;	
OO: NY Synopsis: To request opening of subfiles i above investigation.	n administration of the
Details: Squad C-14 Rotor is requested subfiles which will serve as a repository above captioned investigation:	to open the following for information in the
Sub 302 - FD-302 reports Sub IN - Investigative inserts Sub BC - Background checks, sea Sub CE - Case expenditure infor Sub 1A - 1A exhibits Sub GJ - Grand Jury subpoenas a	
subfiles.ec	•
WITH/OUTS AND	58A. NY-278417-CE 1 495 -49 1

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58A-NY-278417-CE-	
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Precedence: ROUTINE Date: 02/27/2001
To: New York Attn: ASAC FMU
From: New York C-14 Public Corruption Contact: SA ext. 3792
Approved By:
Drafted By:nm
Case ID #: 58A-NY-278417 (Pending)
Title: UNSUB(S); WILLIAM J. CLINTON, FORMER U.S. PRESIDENT; MARC RICH - FUGITIVE (B); ET AL; CFPO-EXECUTIVE BRANCH OO:NY
Synonsis: Request ASAC authority to order
belonging to
Details: scheduled to testify in the Federal Grand Jury, Southern District of New York, on records for the period of for both is requested b76 A review of b78
records will allow investigating agents to determine on a timelv basis, if the investigation has been
compromised and/or
Furthermore, a are
needed on to determine and verify
regarding the
Investigation has revealed that
L.
Democratic party, has participated in the back back back back back back back back
Marc Rich. A b7E
is requested to obtain
further evidence of

Case funds used to date are as follows:

To: New York From: New York Re: 58A-NY-278417 (pending)

Total 2001 allotted case funds: Total funds used to date: Case fund balance as of 3/02/01:	ьз ь7I
per day x 3 days)	
X Domaining case funds:	

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Precedence:	ROUTINE	Date:	05/04/2001	
To: New Yorl	C			
	ork ite Collar <u>Crime/Squad C-14/Publ</u> ntact: SA	Lic Cor:	-	
Approved By:			b7C	
Drafted By:	mjm Mp			
Case ID #:\%	RA-NY-278417-CE (Pending)			
Title: UNSU	B(S); HAM J. CLINTON - FORMER U.S. PRE	ESIDENT	;	
	RICH - FUGITIVE (B); ET AL; - EXECUTIVE BRANCH;		Ь6 Ь7С	
Synopsis: To	request authorization for trav	æl.		
investigation U.S. Presider with an accommodate t accommodate t a federal pr interview may	the witness and conduct the inte 11 travel to cosecutor on the <u>evening of</u> 05	ons gra ew has home ements rview a	nted by former been scheduled in were made to t his home. SA via bucar with	ь6 ь7с ь7р ь7Е
Concurrence Boston Divisi			less than obtained from be authorized investigative	b6 b7c b7D b7E
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JUNI LE 2001

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Precedence:	ROUTINE	Date:	06/22/2001
To: FBIHQ	7	Att.:	
	ork iminal Div <u>ision, White</u> ntact: SA	e Collar Branch, Squa (212)384-3792	đ C-14
Approved By:			
Drafted By:	nm	b6 b7С	
Case ID #:	58A-NY-278417 (Pendir	ua)	
WILL	B(S); IAM J. CLINTON, FORMER RICH - FUGITIVE (B), -EXECUTIVE BRANCH Y		
Synopsis: R charge on	equest authorization	for payment of a	late
Details: For incurred on matter due to cover investigation with a due doweek of 5/20 would not particularly and furthermore, the request was received. To matter the request was received.	o information provided tion. expenses n. An E.C. and FD 794 ate of 6/7/01 were sul /01. FMU associate y said charges without that the state d of the month, and we	utilized in capt d by FMU, New York. in captioned ongoing d dated 5/18/01, for mitted for approval advised t the stateme ement would not be re- culd not match the are based on repleni- cycle as the charges were verification. The verification and the statement ith a due date of 7/2	The is used to FMU the that FMU nt. ceived shment bill. e listed on oucher was
	/01, n the above information payments without the	New York FMU, on. FMU would authori statement.	

To: FBIHQ From: New York Re: 58A-NY-278417, 06/22/2001

advised that FBIHQ should be notified that the late charge was incurred due to incorrect information provided by FMU, and that this charge is a one time occurrence, and additional late charges are not expected to be incurred.

Precedence:	ROUTINE		Date:	06/25/2001	
To: New York	5	Att.: FMU			
	ork 14 Publi <u>c Corruption</u> ntact:	ext. 3792	ъ6 ъ7С		•
Approved By:					
Drafted By:	nm				
Case ID #: 5	58A-NY-278417				
U.S.	IÀM J. CLINTON, FORME PRESIDENT; ET AL, -EXECUTIVE BRANCH	R			-
Synopsis: Re	equest authorization :	for payment	of second	month of and	
charges.			Olichit	and	b7E
Enclosures:	Enclosed for FMU are and statement from use is also	two FD-794	's. invoice	e from Initial EC	
public corrup	tioned investigation to otion investigation in ed. The following repairs and use of the	n which a		is	
Bala Amou	al Authorization: ance Before Payment: ant of this Payment: ance After Payment:			b7E	

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Precedence: ROUTINE	Date: 07/17/2001
To: New York A	ttn: SAC, Division II
From: New York Criminal Division, White Contact: SA	Collar Branch, Squad C-14 (212)384-3792
Approved By:	b6 b7C
Drafted By:	
Case ID #: 58A-NY-278417 (Pendin	g)
Title: UNSUB(S); WILLIAM J. CLINTON, FORMER CFPO-EXECUTIVE BRANCH OO:NY	U.S PRESIDENT; ET AL;
Synopsis: Request approval to tra	
review and collect documents at th pursuant to issued in captioned, ongoing inves	a Federal Grand Jury Subpoena
Details: Travel to the requested so that documents subpoe collected and reviewed in a timely SDNY, will trave thesday. July 24, 2001, to work wi	manner. SA and AUSA on
has indicated that records acquired by during th administration, has been unab respond to several Federal Grand J	due to the voluminous amount of le 2001 change of White House le to locate, réview, and ury subpoenas. Due to the
sensitivity of both the time, and and in order to insure that signifunctioned, it is necessary for SA personally locate and review docum afterementioned subpoenss. It is e will complete their r	icant documents are not and AUSA to sents responsive to the expected that SA and
This travel has been required by Deputy United States Attorn cader to expedite the review of do	uested by AUSA SDNY, in b7
The estimated cost of thi	s trip is as follows: Sul-
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To: New York From: New York 'Re: 58A-NY-278417 (pending)

Roundtrip airfare to

Parking at LaGuardia Airport:

Transportation from Airport to

Estimated Total Cost:

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Precedence: ROUTINE	Date: 08/16/2001
To: New York , Attn:	FMU
From: New York C-14 Public Corruption Contact: SA	ext.3792
Approved By:	ъ6 ъ7с
Drafted By: :nm	·
Case ID #: 58A-NY-278417 (Pending)	
Title: WILLIAM J. CLINTON, FORMER U.S. PRESIDENT; ET AL; CFPO-EXECUTIVE BRANCH OO:NY	
Synopsis: Request authorization of particular for monthly	vment of to b7E
	U, the attached invoice ing by Squad C-14. paid for by case funds from -794 and attached EC only
Enclosures: For FMU is the FD-794 and well as the initial EC authorizing the	I '
Details: Captioned investigation is a public corruption investigation in which being utilized. The following representation cost and the remaining balance of	ch a is nts the monthly
Total Authorization: Balance Before Payment: Amount of This Payment: Balance After Payment:	b7E
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FOI - NEW YORK.

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Agency Protests Company's Fines on Speeders

By PAUL ZIELBAUER

HARTFORD, July 3 — The Conpecticut Department of Consumer Protection filed a complaint this week against a car rental company in New Haven that uses satellite technology to track drivers and debit their bank or credit card accounts whenever the drivers exceed a certain limit.

According to the complaint, Amerpican Car Rental, a family-run busimess that operates Acme Rent-a-Car, has used a global positioning system exince November to track its vehicles land has charged at least 26 of its accustomers \$150 to more than \$400 for hexceeding highway speed limits.

ici. The complaint, issued Monday, iclaims that Acme not only failed to ewarn its customers that they were being watched from above but also fliegally charged drivers \$150 each dime they exceeded the speed limit for more than two consecutive min-

utes.

One driver, James Turner, a theater manager in New Haven who informed the state about Acme's practices in November, said the agency had automatically debited \$450 from his bank account after its satellite caught him speeding three times during a business trip.

The department's complaint said that charges like those violated the Connecticut Fair Trade Practices Act, which is modeled after a federal law that prevents businesses from charging improper fees.

"You cannot have that kind of a penalty in a contract," the consumer protection commissioner, James T. Fleming, said in an interview today. Even if the company notified drivers that their speed would be tracked, "we believe it would still have been a violation," he said. "You cannot impose penalties where there is no damage."

According to public records, Acme is run by Stephen F. Kozlowski and Paul M. Kozlowski of Hamden, Conn. They did not return phone calls seeking comment today.

Acme has until July 15 to respond to the state's complaint, Mr. Fleming said, and choose to argue the case before a judge or comply with the department's orders to stop penalizing drivers for speeding.

A lawyer representing Acme, Max Brunswick, said that he would formally reply to the complaint on Friday. He said the company's contract did warn the drivers of the fines and that it never used its satellite tracking system solely to earn money, but to enforce its own safety rules. "We're not in this to collect fines," he said today. "All we're saying is that there be some incentives to slow down."

Since it started using the global satellite system, he said, the decrease in accidents has cut Acme's insurance costs by half. "As a result we can offer customers lower prices."

Acme's current cheapest rate is \$18.99 per day for a 1999 or 2000 compact car, mileage included, Mr. Brunswick said.

Tracking the speeds of their rental cars and leveling fines on lead-footed drivers is "above and beyond the call," said Russell Bruno, executive director of the Association for Car and Truck Rental Independents and Franchisees, in Bloomingdale, Ill.

But safety is always a concern for car rental agencies, he said, and if tracking driver's speeds is illegal, so too are a lot of things the drivers to do their rental cars after they leave the rental lot. "They treat them like trash." Mr. Bruno said.

Precedence:	ROUTINE		Date:	08/20/2001	
To: New Yor	k A	tt.: FMU			
	ork iminal Division. White ntact: SA	Collar Branc (212)384-	ch, Squa -3792	d C-14	
Approved By:		ь6 ь7С			
Drafted By:	nm				
Case ID #:	58A-NY-278417 (Pendir	ıd)			
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Enclosures: statement, a	For FMU. are the respond statemen	pective FD-794 nt.	1,		
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Precedence: ROUTINE	Date: 10/11/2001
To: New York Att	t.: FMU
From: New York Criminal Division, White C	Collar Branch, Squad C-14
Approved By:	ь6 ь7с
Drafted By:nm	
Case ID #: 58A-NY-278417 (Pending)	
Title: UNSUB(S); WILLIAM J. CLINTON, FORMER U CFPO-EXECUTIVE BRANCH OO:NY	J.S. PRESIDENT; ET AL;
Synopsis: Request authority for pay invoice for exputilized in ongoing investig	penses incurred by
charge on 9/24/01 which are respective statement, and voucher request. The 7/31 amount was statement, and was included in charge was not invoiced in the curre of the next month's invoice from statement is a photocopy due	charge on 7/31/01, and a not included on the d are not included in this as charged on the September that voucher. The 9/24 ant bill, and should be part As such, the attached
Enclosures: For FMU New York, are to statements.	the respective FD 794,
Details: Captioned matter is a high corruption investigation, in which a utilized. The following represents incurred as a result of the operation	expenses
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FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE	Date: 1016 0	<u></u>
To: Finance Division	Attn: CONFIDENTIAL SERVICE	
From: NEW YORK DIVISION		
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SA	et be	
Approved By: ASAC	b7c	•
Drafted By:	NM .	
Case ID #: 584 NY. 278417	· ·	
Title: ORIGINAL INVOICE	•	
Synopsis: DUPLICATE OF AN ORIG	INAL INVOICE.	
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Precedence:	ROUTINE	1	Date:	08/31/2001	
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	ork iminal Division. White ntact: SA	Collar Branch	, Squad	i C-14	
Approved By:	1 1 3	ь6	-		
Drafted By:	nm	ъ 7С			
Case ID #: 5	58A-NY-278417 (Pending	•			
	IAM J. CLINTON, FORMER -EXECUTIVE BRANCH	U.S. PRESIDEN	Γ, ET <i>!</i>	Ъ. ;	
Svnopsis: Re in cap	equest authority for mo	nthly payment	of		b 7:
Unit: The at attached involved Agent. Attached	ve: For information of ttached FD 794 represen pice only. This invoic thed for FMU is a copy pice has been utilized	ts an advance e is shared w of the invoice	for ha ith and e inasm	alf of the other case much as the	
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public corrup	ptioned investigation in ption investigation, in equired. The following ate:	which the use	e of		b7E
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FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE	Date: 10/11/2001
	To: New York Att.:	FMU
	From: New York Criminal Division. White Colla Contact: SA	ar Branch, Squad C-14
i	Approved By:	b6
	Drafted By:	ъ7 с
	Case ID #: 58A-NY-278417 (Pending)	
	Title: UNSUB(S); WILLIAM J. CLINTON; ET AL; CFPO-EXECUTIVE BRANCH OO:NY	,
	Synopsis: Request authority for payment for Şeptember and October, 2001, in ongo	of expenses by bing investigation.
	Enclosures: For FMU New York, are two is September and October 2001.	nvoices representing
ਯੂ	Details: Captioned investigation is a public corruption investigation, in which is required. The following representation:	ch the use of a b7E
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D		Date.	09/07/2001
Precedence:			09/01/2001
To: New York	Attn	: FMU	
	rk ad C-14 Public Corruptio tact: SA	<u>n</u>	
Approved By:	5 Min		
Drafted By:	nm	ъ7	C
Case ID #: 58	BA-NY-278417 (Pending)		
PRESII	AM J. CLINTON, FORMER U. DENT; ET AL; EXECUTIVE BRANCH	s.	
Synopsis: Rec	quest authority <u>for SA's</u> to travel to		RA, on b7c
9/10/01, to co Witness(CW) co	onduct interview of a	Coopera	
much as this rand due to the it is requested to concert cumstances provided, this This interview Agents will reserved.	duct the interview. Fur, and the complexity of s interview should be cow is expected to be condeturn to New York on 9/1	william J. Clinty, sensitive, inverted on a time travethermore, due to the information which do not be sensitived by New Youcted on 9/11/01, 1/01.	vestigation, b6 ely basis, b7c el to b7D exigent b7E which may be ork Agents. , and the
that this inte and that the :	Southern District of Ne erview be conducted by Sinterview be completed of was verbally addauthorized the travel	A's by timely basis. Wised of the abou	 ъ6 ъ70
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To: New York From: New York

Re: 58A-NY-278417 (pending)09/07/2001

The estimated cost of this trip(for two Agents)is as follows:

Round-trip Airfare:
Hotel, 1 Night:
M&IE:
Airport Parking:
Total Expense:

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Precedence:	ROUTINE	Date:	11/01/2001	
To: New York	Att.: FMU			
	ork iminal Div <u>ision, White Collar Bran</u> ntact: SA	.ch, Squa	d C-14	
Approved By:	1 b		b6	
Drafted By:	: nm		, ъ7 С	
Case ID #: 5	58A-NY-278417 (Pending)			
U.S.	IAM J. CLINTON, FORMER PRESIDENT, ET AL; -EXECUTIVE BRANCH			
Synopsis: Finvoice for an	Request authority for payment of expenses incu		card the use of b	7E
statement ref for as they wonly charge a replenishment a photocopy o	ve: For information of NYO FMU, the flects charges which have been alrowere invoiced on previous statement statement statement. Statement statemen	ready bee its from atement s	n accounted The	
corruption in utilized. Th	otioned matter, is a high priority ivestigation in which a need following represents the need the operational use of	[is : e:	being xpenses	o7I
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DATE 09-09-2016	BY	NSICG

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date:
To: Finance Division	Attn: CONFIDENTIAL SERVICE
From: NEW YORK DIVISION	
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SA	
Approved By: ASAC	b6 b7C
Drafted By:	
Case ID #: 584 NY 278417	<u> </u>
Title: ORIGINAL INVOICE	
Synopsis: DUPLICATE OF AN ORIG	INAL INVOICE.
Details: This is to certify the or never received by the agent. duplicate payment.	at the original invoice was lost This will not result in a
	b7с b7E

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Certifying Agent

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Precedence: ROUTINE	Date:	03/20/200	1
To: New York Attn: ASAC Property			>6 >7C
From: New York C-14 Public Corruntion Contact: SA (212)384-3	3792	•	
Approved By:			
Drafted By: nm		ь6 ь7с	
Case ID #: 58A-NY-278417 (Pending)			·
Title: UNSUB(S); WILLIAM J. CLINTON, FORMER U.S. PRESIDEN MARC RICH - FUGITIVE (B); ET AL; CFPO-EXECUTIVE BRANCH OO:NY	IT;	·	
Synopsis: Request approval for the period, to support the	invest:	igation o	f
captioned matter.			
Details: Request for the approval of the period, from			
Captioned matter is a high priority, sensitive i	nvestia	ation	
which requires the use of	The		be
investigation, which is focusing on allegations a quid pro quo in exchange for the pardon of Mar others, currently has four agents assigned on a and one part-time Agent.	of bribe	and	r b7
<u> </u>	he addit	tion of	
will contribute to, and expendently to obtain and disseminate valuable informuotes obtained by SA for the	edite, th	he agent's	;
1.	5/H-1W-2	Sul. 18417-CE	ь7E
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To: New York From: New York % Re: 58A-NY-278417, 03/20/2001

	Т	Potal			
	2.				
b7E		Total			
	. 3.				•
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their	It lowest	is recommended that cost estimate, as well as the to the FBI NYO.	elr p	oe utilized for previous experi	ence
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Precedence:	ROUTII	IE			Date:	12/01/2001	
To: New Yo	ork		Att.:	FMU			
	York riminal contact:		White Col	lar Branc	ch, Squa	d C-14	
Approved By	·:				b6 b7C		
Drafted By:]mm				
Case ID #:	58A-NY	-278417	(Pending)				
	. PRESII	CLINTON, DENT, ET A	AL;	_			
Synopsis: invoice for investigati	.]	<u>authorit</u>	ty for paymutilize	ent of din capt	tioned		b7E
Details: Corruption utilized. result of t	investight The following	gation, in Lowing <u>re</u> n	n which al		18	s being	
E A	Balance Banount of	chorization Before The Payment After Paym	is Payment:			ь7Е	
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'U.S.GPO:1897-430-202/63097

Shaded areas for draft office use only

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Precedence:	ROUTINE		Date:	12/27/2001	
To: New Yor	k	Attn: FMU			
	ork 14 Publ <u>ic Corruption</u> ntact:				
Approved By:		1/9/02	b	6	
Drafted By:	mm		p.	7C	
Case ID #:	8A-NY-278417 (Pend:	ing)	,		
PRES	IAM J. CLINTON, FORM IDENT, ET AL; -EXECUTIVE BRANCH;	ĖR U.S.	,		
Synopsis: Reinvoice for	equest authority for expenses incurred in	payment of captioned	investi	gation.	b7E
Enclosure(s) Duplicate of	: For FMU, original Original Invoice EC	, and FD-79	4.	statement,	
corruption in	ptioned matter is a language of the property of the property of the presents o	n a l		was utilized.	b7E
	Total Authorization Balance Before The Amount of This Paya Balance After Paya	is Payment yment:			
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	1. Classification 58A	(GA) SOG
(AC) Criminal Case (AD) Criminal Case (AD) Criminal Case (AD) FCI Case (BC) Informant/CW (BD) Informant/CW	(DD) OCDETF Group II	(GA) SOG (GB) OPS (GC) Air Operation (H) SSG (J) FCI Lookout
Draft Request	2. Date	112/31/01
3. Request for: (X) Advance ()	Expense 4. Social Security No:	
5. Payee Name:	6. File No: , 5 8 A	Ny 127 8 4 117 b
16. Cat Item No 7.	Description	8. Amount b
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		9. Total \$
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11. Payment for reimbursable expens	se - forfeiture or drug related?Yes _	No
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11. Payment for reimbursable expens 12. Requested by: 14. Supervisor Initials SAC / ASAC / AO / SAS Approval Supply Technician Approval Draft Approval Officer Procurement Authorization 15. Vendor No 18. Cost Center 21. Document No. 23. Draft No. 26. Settlement of Advance Prior mo	se - forfeiture or drug related?Yes	Date Date /- 3-00 //9/07 Digation No. 22: CONF. COMM.

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ALL INFORMATION CENTAINED	
HEREIN IS UNCLASSIFIED	
DATE 09-09-2016 BY	NSICG

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE		Date: _	1/4/02
To: Finance Division	Attn: CON	FIDENTIAL S	ERVICE
From: NEW YORK DIVISION			
SQUAD	c Corruption	.	
sa·			
Approved By: ASAC		ь6 ь7с	
Drafted By:	vn.		
Case ID #: 584 · NY - 278417	<u> </u>	-	
Title: ORIGINAL INVOICE:			
Synopsis: DUPLICATE OF AN ORIG	INAL INVOICE		
Details: This is to certify the or never received by the agent. duplicate payment.	at the originate This will	nal invoice not result	was lost in a
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FBI — NEW YORK	
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TRAVEL REQUEST FORM

Date: 05 /04 / 01		Eisaal Vear 200	Travel		FBIHQ Division:				
Name of Traveler: Field Office ID: N	Y Cost Cod	e: 1 3540	Squad/RA	Code: C-14	:[
	riod From: <u>05</u> / 04 / 0					— b6			
Points of Travel From	NYo		to		(R/T)	. b7C —-b7E			
То _	NYD	12th - Minnellania	784-114-278	2164					
Justification:SA		File Number: Expense pry	58A-NY-278 meat for loc	ging while	on official	FB1 duty			
	Contin	nue on additional b	lank page if necess	ary.					
Divis (TR11 () TR12 () TR13	ce of Travel Funds: (Scient a c ion Budget SAC/Div. Operation/Manag SAC/Div. Operation/Manag SAC/Div. Meeting/Speech/ ral Budget	ement ement - Assisi And	other Office						
() TR14 () TR15 () TR16 () TR51 (B) I	FBIHQ Regional Conference FBIHQ Special FBIHQ Commercial Training To/From Quantico FBI & P Curpose of Travel See reverse to select an ilemnium Operation	ng office Training other and descriptor	nafom a catalog)	uthorization No.					
(Item	11110		Descript	ОДЭ					
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CAT DESC TR	() 2 - Foreign	ing Fee			Expense				
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Precedence:	ROUTTNE	Date: 05/04/2001
To: New Yor		20001 0570472002
	ork ite Collar <u>Crime/Souad C-14/</u> ntact: SA	Public Corruption x3488
Approved By:		
Drafted By:	m j m	ъ6
Case ID #: 5	8A-NY-278417-CE (Pending)	B 670
	B(S); TAM J CLINTON - FORMER U.S.	PRESIDENT;
	RICH - FUGITIVE (B); ET AL; - EXECUTIVE BRANCH; NY	
Synopsis: To	o request authorization for	travel.
investigation U.S. Presiden with an accommodate to a federal printerview may	uad C-14 is conducting a sern concerning controversial property of the conduct the interview on 05/07/2001.	pardons granted by former berview has been scheduled be broken in broken
	•	to total loss than b6
Concurrence Boston Divisi	for this trip are estimated for interdivisional travel to It is requested that SA to	has been obtained from b7C be authorized b7D for an investigative b7E
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•		58 A-NY-2784175
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TRAVEL VOUCHE	R 1.DEPA		TABLISHMENT,	·	2. TYPE	OF TRAVEL	3. Vouc	HER NO.		
TRAVEL VOUCHE (Read the Privacy / Statement on the	Act BUR	EAU, DIVISION,	OR OFFICE		1					
back)	e Ler	- DOJ			ĬĦ,	EMPORARY DUTY ERMANENT CHANGE OF STATION	4. SCHEO	DULE NO.		
a. NAME (Last, first, midd	le initial)					AL SECURITY NUMBER	6. PERI	IOD OF TE	RAVEL	
Do. MAILING ADDRESS (Inc.					I		a. FROM		b. TO	
& L					\mathbb{L}		05/0	06/01	05/0	07/01
C. MAILING ADDRESS (Inc	lude ZIP Cod	c/			d. OFFI	CE TELEPHONE NO.	7. TRA	VEL AUTI	HORIZATIO	N
26 Federal Pl	.aza		b6				a. NUMBE	R(S)	b. DATE(S	1
텐 New York, New	/ York 1	.0278	b7C			_				
Squad C-14					212-3	84-3488	35943	59	05/0	8/01
. PRESENT DUTY STATIC	N NC		f. RESIDENCE (Ci	ty and State)						
<u> ហ</u>							10. CH	ECK NO.		
New York				N-	ew Je	rsey			•	
8. TRAVEL ADVANCE			9. CASH PAY	YMENT RE	CEIPT		11. PA	ID BY		
a. Outstanding			a. DATE RECEIVE	D	b. AMO	UNT RECEIVED	1			
b. Amount to be applied			1		:\$	_		•	•	
c. Amount due Government			c. PAYEE'S SIGN.	ATURE			7			
(Attached: Check	Cash)	1 !					1		_	
d. Balance outstanding			1				1		-	
12. GOVERNMENT TRANSPORTATION	I hereby as	skan to the Unit	ed States any right	I may have a	againet as	ny parties in connection	with reimbur	sable	Traveler's in	itials.
REQUESTS, OR TRANSPORTATION						ment procedures (FPMR		I	► My_	
TICKETS, IF PUR- CHASED WITH CASH			MODE,	T	. ,		POINTS O	C TDAVEL		
iList by number below	AGENT' VALUATI		CLASS OF	DAT			PUNTS O	LINAVEL	•	
coupon; if cash is used	coupon; if cash is used OF TICKET (Initials)		AND ACCOM-	ISSUE	ED '	FROM			то	
show claim on reverse side.)	(a)	(ь)	MODATIONS (c)	(d)		(e)			(t)	_
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Actual Expenses		1		 						_
for						New York, NY				
investigative		[(Round	trip via	1
trip to						ļ		Bucar)	p	•
on 05/06/2001]]		Jucus,		
to 05/07/2001			_	b6						
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SIGN HERE						05/17/01	CLAIN	IED F	\$	
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14. This voucher is approved.	Long distant	ce telephone cal	is, if any, are certi	tied as neces	sary	17. FOR FINANCI	DIFFICE USE O	NLY _		l
in the interest of the Gove the approving official mus	t have been a	suthorized in wri	ance telephone cal ting by the head o	il s are i nclude f the	id,		HAIRIN		\$	Į
department or agency to a			` :	•		a.Differ-	·			
·				DATE		IF ANY		· ·		, 7
APPROVING			•	Ì		(Explain			-0,-	<u> </u>
OFFICIAL SIGN HERE						amount),				-:-
15. LAST PRECEDING VOUCH	ER PAID UND	ER SAME TRAV	EL AUTHORIZATIO		 :	6. TOTAL VERIFIED CO	RRECT FOR		= -	
a. VOUCHER NO.	b. p.o. 8	SYMBOL	3	c. MONTH	& YEAR	CHARGE TO APPRO	PRIATION.		- ,	{
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16. THIS VOUCHER IS CERTIF	IED CORREC	T AND PROPER	FOR PAYMENT			c. APPLIED TO TRAVE				, T
AUTHORIZED,		,	- "	DATE		(Appropriation symbol			<u>\$</u>	<u> </u>
CERTIFYING OFFICIAL						a. NET TO TR	AVFIER		- '	
SIGN HERE			, · ·						<u>: ا</u>	<u> </u>
18. ACCOUNTING CLASSIFICA	LTION	-	3			1 12	: Pg	_ :	-4.44££	P
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FBI — NEW-YORK	/

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TRAVEL VOLICHE	1.DEPART		TABLISHMENT,]:	2. TYPE OF TRAVEL			3. VOUCHER NO.			
TRAVEL VOUCHE (Read the Privacy / Statement on the	Act BUREAU	J, DIVISION, C	OR OFFICE		जिल्ली						
Statement on the back)	e FBI -	DOJ			Fir	EMPORARY ERMANENT OF STATION		4. SCHEDULE NO.			
a. NAME (Last, first, midd.				ŀ	. soci	AL SECURIT	6. PERIOD OF TRAVEL			-	
G. MAILING ADDRESS (Inc.		7					\neg	a. FROM		b. 1	0
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© 26 Federal Pl	dude ZIP Code)	_	b6	C	f. OFFI	CE TELEPHO	NE NO.		VEL AUT		
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New York, New Squad C-14 o. PRESENT DUTY STATIO	NA r		f. RESIDENCE (CA	transferatel			-	3337420	,,] -	12/19/01
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New York						rsey		10. CH	ECK NO.	•	
8. TRAVEL ADVANCE	<u> </u>		9. CASH PAY			racy		11. PAI	n av		
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(Attached: Check	Cash)	· [•							
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12. GOVERNMENT TRANSPORTATION	I hereby assig	n to the Unite	d States any right	t I may have ag	alnet a	ny parties in	connection w	ith reknburs	able	Trav	reier's initials
REQUESTS, OR TRANSPORTATION	transportation	charges desc	ribed below, purc	hased under ca	sh payı	ment proceds	ires (FPMR 10)1-7}.			
REQUESTS, OR TRANSPORTATION TICKETS, IF PUR- CHASED WITH CASH			MODE,				Pr	DINTS OF	TRAVE	 :I	
(List by number below	AGENT'S VALUATION	ISSUING CARRIER	CLASS OF SERVICE	DATE	,						
coupon; if cash is used show claim on reverse	OF TICKET	(initials)	AND ACCOM- MODATIONS	, JOSE	•	'	FROM			то	
side.)	(a)	(b)	(c)	(d)			(e)			(f)	
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Actual Expenses for	*						_		г		
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					aria a	<u>}</u>	with the section	VE13110			<u>-i-l</u>
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14. This youther is approved. in the interest of the Gov	Long distance	telephone cal	s, if any, are certi	fied as necessa	ιγ	17. 1	OR FINANCEO	FFICE USE ON	(LY	\$	
the approving official mus	st have been aut	horized in wri	ting by the head o	f the		a OIFFER	_ :]	
department or agency to	eo certify (31 U.	,a.c. 660#/.	• :	·	•	ENCES,					
APPROVING A		•	-	DATE		IF ANY: (Explain		<u>: -: - : - : - : - : - : - : - : - : - </u>	_, :		
OFFICIAL	-			[and show amount)	· · · · ·	<u> </u>	<u> </u>	<u> </u>	.; * ; [
SIGN HERE							· ·	FATEAR	<u>- , </u>	<u> </u>	
15. LAST PRECEDING VOUCH			EL AUTHORIZATION		. OFAE	CHARGE	erified corr To appropri		•	•	· į
z. VOUCHER NO.	Б. D.O. SY	MBUL		c. MONTH &	a reAt	_ ~			i		, ,
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TRAVEL REQUEST FORM

.e: 12/19/01	Eigent Ver	102 Travel	FBIHQ Division
Name of Traveler:			SSAN: b6
Field Office ID:	Cost Code: 354		C-14 b6
Itinerary: Travel Perio		<u> </u>	
Points of Travel From	NYO	to	CIDUAN VIIP
То	File Number	r: 58A-NY-278417	for invertigative interview.
Justification:	To request payment for	travel to	to investigative interview.
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() TR14	Budget FBIHO Regional Conference FBIHO Special		
	FBIRIO Commercial Training To/From Quantico FBI & Police Training	Travel Authoriza	tion No.
	pose of Travel		
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	Total	\$]	s.]
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Transportation paid by GT.			
Lodging paid by Purchase Field Office Approval:			Date: 12-19-01
Draft Approval Officer:	····	Dáte Ob	
Draft Number:		Expense/Advance Draft An	
Supplemental Draft Numb	er:	Amount: \$	Date:
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© 26 Federal Pl	lude ZIP Code)	•	þ6	a. OFF	CE TELEPHONE NO.		VEL AUTHO	
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b. Amount to be applied			c, PAYEE'S SIGN	\$				
c. Amount due Government	İ]	C, PATEE'S SIGN.	ATURE		ŀ		
(Attached: Check	Cash)					1		
d. Balance outstanding			L			ļ	·	Travalente betaten
12. GOVERNMENT TRANSPORTATION					ny parties in connection w ment procedures (FPMR 10		sable	Traveler's kuldals
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and attach passenger	VALUATION OF TICKET	CARRIER (Initials)	SERVICE	DATE ISSUED	-		·	
coupon; if cash is used show claim on reverse			AND ACCOM- MODATIONS		FROM			то
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Actual Expenses							<u>[</u>	
for							<u> </u>	
investigative					New York, NY			
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DATE 2002 (a)	TIME (Hour and am/pm) (b)	DESCRIPTION (Departure/arrival city, per diem computation, or other explanations of expense) (e)	BREAK FAST	LUN	ich	EALS DINNER	TOTAL	MISCEL- LANEOUS SUBSIS- TENCE	LODGING	TOTAL SUBSISTENCE EXPENSE	MILEAGE RATE: NO. OF MILES	MILEAGE	SUBSISTENCE	OTHER	– b3 b1
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01/28	6:09 p	NY airport parking fee	İ		1			ļ	ļ	1			Ī		
01/28		3/4 Day Meal Per Diem		1	 		i	1	Ī		<u> </u>	, , , , , , , , , , , , , , , , , , ,			
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•	Request	No.

3594299

TRAVEL REQUEST FORM

Date: 01 /24 / 02 Name of Traveler:		1 Year <u>01</u>	Travel	FBIHQ Divis SSAN: _	ion:	
Field Office ID: NY	-L Cost Code	3540	Squad/RA			
Points of Travel From	iod From: 01 / 28 / 02 NYD	L_ 10 <u>01 /</u>	to		(ROUND.TRIP)	h L
Justification:		ile Number:	58 A-NY-278	ul expenses	incurred while	
	Continu	ue on additional'	olank page if necessar	y.		
Dixision TR14 () TR42 () TR43 Cener () TR44 () TR45 () TR46 () TR51 () TR5	SAC/Div. Meeting/Speech/G al Budget FBIHQ Regional Conference FBIHQ Special FBIHQ Commercial Training To/From Quantico FBI & Pol tipose of Travell exeverse to select an item numb	ment - Assisi Ar ETA Training Sice Training	Travel Aut	horization No.:		
(Item)	(6.)		Description	17.		Æ.
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TR 1 111 TR	11 Air Fare 12 Train Fare 14 Airline Processin 21 Lodging 22 M & IE 31 P.O.A. 32 Miscellaneous 35 Taxi 36 Taxes (Lodging) 37 Laundry 41 Car Rental Other - (Parking)	/Tolls	\$	\$ \$ \$ \$ b6		*
Transportation paid by GT Lodging paid by Purchase	A No.	otals	\$. \$		<i>31</i> •
Field Office Approval:		4.5	Andrew State of the State of th	Date:	7. 2402	
Oraft Approval Officer: Draft Number:	The state of the s		Da Expense/Advance Dr	te Obligated:		دريو
Supplemental Draft Numb Document Numb	er:		mount: \$	Date:		,
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FBI -	- NEW YORK		
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Precedence:	ROUTINE	Date:	01/23/2002
To: New Yor	ς		
	ork te Collar Crime/Squad C-14/Pub ntact: SA	lic Corr	ruption
Approved By:	KJC/SC.		b6 b7C
Drafted By:	mjm WN		B/C
Case ID #: 58	BA-NY-278417 (Pending)		
MARC ET AI	AM J. CLINTON - FORMER U.S. PRI RICH - FUGITIVE (B); - EXECUTIVE BRANCH;	ESIDENT;	
	o request approval for travel to blection of records at	.0	for
scheduled a m the U.S. Att volume of a after the Cla	on 01/28/2002, leeting at their leeting at their leeting at their leeting to review records relating to the left The records were obtained left nton administration and are best to review prior to copies being jury.	w and controlling made	available for
requested the conduct the r	to the sensitive nature of this at SA be permitted be permitted review of these documents. In a NY, has requested that SA with him on 01/28/3002 to real the review and collection of more than one business day.	to trave ddition eview th	AUSA travel to
	thority is requested for SA on the morning of 01/28/200		

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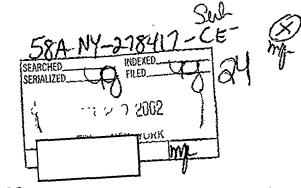
To: New York From: New York Re: 58A-NY-278417, 01/23/2002

						airf	are,	parking,	and	taxi	service,
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Precedence:	ROUTINE		Date:	10/05/2001
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Approved By:		•		b 6
Drafted By:		mjm	,	ъ7с
Case ID #:\5	A-NY-278417-CE	(Pending)	•	
	IAM J. CLINTON - F ET AL; - EXECUTIVE BRANC		. PRESIDENT	Γ;
	o submit travel do ative travel.	ocuments t	o FMU and	request payment
	: (1) One FD-540; (4) Original recei)-1012; (3)	One approved EC
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The a	k the first avail additional expenses the enclosed ori be paid the sum o	able flig s exceeded ginal FD-	int back to the estime 540. It is	ated expenses as requested that
pay.ec				
pay.cc				

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Statement on the back)	FBI	- DOJ .			۱Ħ،	TEMPORARY D		4. SCHED	OULÉ NO.	
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ը New York, New	York 1	0278	b7C							
Squad C-14								343299	97	09/07/01
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<u>ග</u>								10. CH	ECK NO.	
New York				Ne	∍w Je	rșey				
8. TRAVEL ADVANCE			9. CASH PAY	YMENT RE	CEIPT		"	11. PAI	D BY	
a. Outstanding			a. DATE RECEIVE	D	b. AMO	UNT RECEIVED)	1		
b. Amount to be applied	~-	1	**	•	\$	•				
c. Amount due Government			c. PAYEE'S SIGNA	ATHER .	٠,٧			-		
		! !	O. T. A. LE O GIGIN	A LOILE	•					
(Attached: Check	Cash)	<u> </u>				• • •				
d. Balance outstanding		١.		4						
12. GOVERNMENT	I hereby as	sign to the Unite	d States any right	I may have a	gainst a	ny parties la co	nnection w	ith reimburs	able	Traveler's initials
12. GOVERNMENT TRANSPORTATION REQUESTS, OR TRANSPORTATION TICKETS, IF PUR- CHASED WITH CASH			ribed below, purci							m
TRANSPORTATION TICKETS, IF PUR-					- ;					
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STANDARD FORM 1012 (REV. 10-77)
Prescribed by GSA, FPMR (41-CFR) 101-7

		INSTRUCTIONS TO TRAVE	IER ///	alladiel to	0000 em	calf avala	etonil					Complete this PAG	F 1
SCHEDULE OF EXPENSES AND AMOUNTS CLAIMED		Col. (c) If the voucher includes per diem allowances for members of employee's immediate family, show members' names, ages, and relationship to employee and martial statu of children (unless information is shown on the travel authorization.)	Co pie on for ac ex	Complete only for actual expense travel (n) Show amount incurred for each meal, including tax and tips, and daily total meal cost. (h) Show expenses, such as: laundry, cleaning and pressing of clothes, tips to beliboys, porters, etc. (other than for meals). Complete for per diem and actual expense travel. (j) Show total subsistence expense incurred for actual expense travel. Show per diem amount, limited to maximum rate, or if travel on actual expense, show the lesser of the amount from col. (j) or maximum rate. Show expenses, such as: taxi/limousine fares, air fare (if purchased with cash), local or long distance telephone calls for Government business, car rental, relocation other than subsistence, etc.						information of if this is a continuation sheet. TRAVEL AUTHORIZATION NO. 3432997 TRAVELER'S LAST NAME MCPHILLIPS			
DATE	TIME	DESCRIPTION			ITEMIZ	ED SUBSI	STENCE E	XPENSES		MILEAGE RATE:	1	AMOUNT CLAIM	ED
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Request No. 3432997

TRAVEL R	EQUEST	FORM
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Date: <u>09/07/01</u>	Fiscal Vear	Ol_ Travel	FBIHQ Division:	
Name of Traveler:			SSAN:	
Field Office ID: V	Cost Code:36	540	Squad/RA Code: <u>C-14</u>	
Itinerary: Travel Period		09/11/01		b 6
Points of Travel From	NYO	to		b7c -
То	N AD	to	and the same of th	——
	File Numbe	r: <u>58A-NY-27</u>	18417	
Justification: SA	reavests reimbo	irrement for ex	xpenses incurred while	on
of Fi	cial FBI Duty.			
	Cominue on additio	nal blank page if nec	essary.	
Division By	Fravel Funds: (Select a catalog) idget C/Div. Operation/Management			
() TR12 SA	C/Div. Operation/Management - As C/Div. Meeting/Speech/GETA Trai			
General Bu	daet			
() TR14 FB	IHQ Regional Conference			
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	IHQ Commercial Training		Authorization No.:	
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TR III	36 Taxes	- s —	l s 1	
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	Ger No		.Date: 9	7-01
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FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	02/11/2002	
To: New Yor	k	Attn: FMU			
	ork uad C-1 <u>4 Public Corr</u> ntact:	notion			
Approved By:			ь6 b7С		
Drafted By:	nm				
Case ID #:	58A-NY-278417 (Pend:	ing)			
WILL U.S.	B(S); IAM J. CLINTON, FORM PRESIDENT, ET AL; -EXECUTIVE BRANCH Y	ER			
Synopsis: Fincurred in	Request approval for captioned investigat	reimbursement (ion.	of ⊹xper	ises	
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requested				be e	
purchased by		er per <u>sonal cr</u>	edit ca	rd, through	ь3
	supplier, and were s	le NYO does not	use or	stock	Ъ6
Case	e fund expenditure is	as follows:			b7c b7d
Ba Ai	otal Authorization: alance Before Payment mount of This Payment alance After Payment:	;:			b7E
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3. Request for: () Advan	ice () Expen	se	4. Social S	ecurity N	o: <u> </u>				
5. Payee Name:				6. File No:	<u> 1518</u>	1A 1 N	1713	778	<u> 1411</u>	<u>17 I</u>
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Date of Waiver:									b6	
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FEDERAL BUREAU OF INVESTIGATION

02/20/2004 Precedence: ROUTINE Date: New York To: From: New York White Collar Crime/Squad C-14 - Public Corruption SA /mjm Contact: Approved By: **b**6 MA b7C Drafted By: mj m**i_{Mr}** (Pending) -NY-278417**1** Case ID #: Title: UNSUB(S); WILLIAM J. CLINTON - FORMER U.S. PRESIDENT; **b6** b7C MARC RICH - FUGITIVE (B); ET AL;

CFPO - EXECUTIVE BRANCH;

Synopsis: To request opening of subfile.

OO: NY

Details: Squad C-14 Rotor is requested to open a subfile (Sub A) to serve as a repository for Secret documents obtained in the above investigation.

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(Rev. 01-31-2003)

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DATE 09-13-2016 BY NSICG

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 02/20/2004
To: New York	
From: New York White Collar Crime/Squad Contact: SA	<u>C-14</u> /mjm
Approved By:	b6
Drafted By:	mjm 67c
Case ID #: 58A-NY-278417 (Pending	j)
Title: UNSUB(S); WILLIAM J. CLINTON - FORMER	R U.S. PRESIDENT;
	ь6 ь7С
MARC RICH - FUGITIVE (B); E CFPO - EXECUTIVE BRANCH; OO: NY	ET AL;
RESTRICTED DOCUMENT - DISSEMIN	ATE TO PERSON(S) WITH ROLE
Synopsis: To provide results of 02/19/2004.	ь3
Details: On 08/13/2003, SA	visited the with AUSA 570
	ь71
	b70
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To: New York From: New York Re: 58A-NY-278417, 02/20/2004

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To: New York From: New York Re: 58A-NY-278417, 02/20/2004

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When the notes are retrieved from the 02/19/2004 visit, a more specific will follow.



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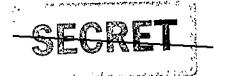
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DECLASSIFY ON 12-31-2029

DATE: 09-13-2016

b6 b7C

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Ďate: 02/25/2004
To: New York	
From: New York White Collar <u>Crime/Squad C-14</u> Contact: SA	_/mjm
Approved By:	ь6 ь7с
Drafted By: mjm W	<i>57</i> C
Case ID #: (U) 58A-NY-278417 (Pending)	
Title: (U) UNSUB(S); WILLIAM J. CLINTON - FORMER U	.S. PRESIDENT;
	ъ6 ъ7С
MARC RICH - FUGITIVE (B); ET 2 CFPO - EXECUTIVE BRANCH; OO: NY	AL;
Synopsis: (U) To provide results of investing 02/19/2004.	igative visit to on b3
(U) Derived From: G-1 Declassify On: X1	
	visited and es were classified as b3 then faxed to the NYO b6 b76 b78
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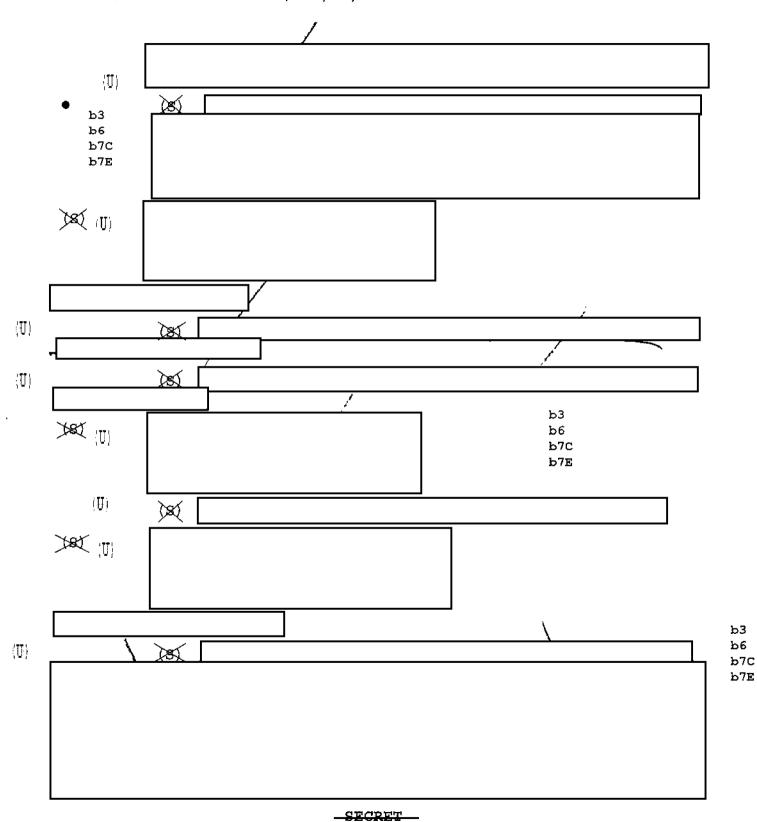
To: New York From: New York

Re: (U) 58A-NY-278417, 02/25/2004

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To: New York From: New York Re: (U) 58A-NY-278417, 02/25/2004



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(Rev. 01-31-2003) WHERE SHOWN OTHERWISE

CLASSIFIED BY: NSICG REASON: 1.4 (C) DECLASSIFY ON: 12-31-2029

DATE: 09-13-2016

b6 b7С

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 06/18/2004 .
	SA Squad C-14
From: Washington Field CI-8 Contact: SA	
Approved By:	
Drafted By:	. 1
Case ID #: (U) 58A-NY-278417 (Pending)	b6 b7С
Title: (U) UNSUB (S); WILLIAM J. CLINTON-FORMER U MARC RICH - FUGATIVE (B); ET AL; CFPO-EXECUTIVE BRANCH; OO: NY.	
Synopsis: (U) To cover lead.	
Derived From: G-3 Declassify On: X1	
Administrative: (S) EXTREME CAUTION S HANDLING OF INFORMATION PROVIDED BY RELIABLE FEDERAL BUREAU OF INVESTIGATION AND SHOULD BE PROPERLY PARAPHRASED IN ALI	
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THIS DOCUMENT: INITIALS DATE

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To: New York From: Washington Field Re: (U) 58A-NY-278417, 06/18/2004

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 (\mathbb{U}) washington Field considers this lead covered.

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Total Deleted Page(s) = 2 Page 10 ~ b3; b5; b6; b7C; b7E; Page 11 ~ Duplicate;

WMFO 196A-1563 SUB Y

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b 6	DETAILS: In view of the anticinated intercention of
b7С b7D	conversations of DEPARTMENT OF THE PROPERTY IS being requested in this matter
b7E	DEPARTMENT OF JUSTICE approval is being requested in this matter. Since 6/28/89, a reliable and sensitive source known to
b7F	pince 0/28/89; a leliable and sensitive! Isource known to
53	A meeting between source.
o6 o7C	and modeling between Boulee,
57C 57D	
ο7E	The meeting will be
o7F	Surveilled by Bureau adents.
o3	Source very reluctantly verbally agreed to record
o6 o7C	
57D	
ο7E	
57F	
o7D	
57 F	Although the restrictions are unusual, WMFO concurs with source's restrictions. It is noted source and family will
57E	be in physical danger
	if source's identity is disclosed.
	Also, several ongoing will be in
	jeopardy and a highly valuable source will be lost if source's identity is disclosed.



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WMFO 196A-1563 SUB Y

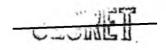
 U.S. ATTORNEY'S OPINION: On 7/25/89, AUSA	
U.S. Attorney	
On 7/28/89, advised that U.S. Attorney	U)

	FD-36 ((Rev. 8–29–85)	OLONG FBI		7-2017 BY	
		TRANSMIT VIA: ☐ Teletype ☐ Facsimile ☐ AIRTEL	PRECEDENCE: Immediate Priority Routine	CLASSIFICATION TOP SECRET SECRET CONFIDENTI UNCLAS E F UNCLAS	N: b7	
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	1		OR, FBI CARRY TO SSA	FINANCIAL	ь6	
	2	CRIME	S UNIT, DIVISION 6)		b7C	
	3	FROM : SAC, W	MFO (196A-1563 SUB)	Y) (P) (C-9)		
	4	MARC RICH - FUGI				
	5	PINCUS GREEN - F ET AL;	UGITIVE (B);			
	6	FBW; MF; RICO; INCOME TAX EVASI	ON:			
	7	TRADING WITH THE (OO:NY)				
	8	,	6		/ 1	7
	9	envelope.	w of sensitive conto	ents, nand carry	in sealed	1
ь6 ь7с	10	Re mee	ting between WMFO S.	A	and FE	
Dic	11	SSA 7/27 telcall to FBIHQ	/89; WMFO teletype . , 8/3/89.	to Director, 7/2	8/89; and	1
	12	PURPOS	E: Authority is re	qu <u>ested t</u> o monit	or and/or	
	13		ions for a period of		n a WMFO	_
b3 b6	14					
b7C b7E	15					
D/E	16		(5) m	_		-
	17		101			
	18	2-FBIHQ 3-WMFO				
	19	WMM:mt			b6 b7C	
	20			- 10	11 1-1	٠.
	21	ALL INFORMATION CONT HEREIN IS UNCLASSIFIED WHERE SHOWN OTHERW	AINED CLASSIFIED BY DECLASSIFY ON DECLASSIFY ON	- 55	64-156.	1 :5:3

Approved: Transmitted (Number) (Time) SEGNET

WMFO 196A-1563 SUB Y

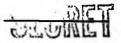
convers	ations of	anticipated interception of
DEPARTM	ENT OF JUSTICE approval is be 28/89, a reliable and sensi	eing <u>reque</u> sted in this matt
since 6	28/89, a reliable and sensit	tivel source known to
) h		(U)
	- I	(0)
	A	
		CSX (m)
	7.7	
	Source is	
1	466.00	
	C \$20,m	



WMFO 196A-1563 SUB Y

SEGMET

with s	source's restrictions. It is noted source and family will physical danger
77.70	if source's identity is disclosed.
	several will be i
identi	rdy and a highly valuable source will be lost if source's ity is disclosed.
	101 15 415616564.
	If approved,
	U.S. ATTORNEY'S OPINION: On 7/25/89, AUSA
, =	
17	
	'W
1	
	On 7/28/89, advised U.S. Attorney
	Jan 1, Ed, 6571 Jan 1250a 6151 Metolifica 1
	On 8/3/89,
	ADMINISTRATIVE: The
	ADMINISTRATIVE: The
	Source is .



b6 b7С (-9)

FBI/DOJ

SECRET

	Airtel	13
TRAN	ISMIT VIA:	
CLASS	Unclas SIFICATION:	DATE: <u>8/4/89</u>
02/100		
FROM:	Director, FBI	
то:	SAC, WMFO (196A-1563 SUB Y) (CADIC, NEW YORK (INFO)	
	MARC RICH - FUGITIVE(B); ET AL; FBW; MF; RICO; INCOME TAX EVAS TRADING WITH THE ENEMY; OO: NEW YORK	REASON: 1.5 (C)
	Re New York teletype dated 7/3	DECLASSIFY ON: X 1
Gen "Pr	Pursuant to the provisions of morandum of November 7, 1983, to the Eneral of Executive Departments and Age cocedures for Lawful, Warrantless Intermunications." authorization was grant	Meads and Inspectors encies, entitled erceptions of Verbal
	device,	as described in is for a period of
in use	You are to submit an FD-621 wi piration of this authorization furnish of this equipment in accordance with -10.3(9)	ning information regarding
sev	In the event a renewal of this rranted, submit your request with full yen days prior to the expiration of the published with MIOG, Part II, Section 1	justification at least existing authority, in
(U) 10-	In addition, you should ensure asonably identified as having been more field office and FBIHQ ELSUR indices 10.5). Strict administrative control sure these requirement are met.	nitored are included in s, (MIOG, Part II, Section
app	As you know, this equipment is a senting party is present. Bureau equipment is propriate security. You should keep to tinent developments.	sipment should be afforded
	Attn: WMFO Elsur Coordinator	196A-1563-45-2X
HERSTN IS	MINION	b6 SERIALIZED THE LEE THE STRICT OF 1989
	PARE 2-4-0	FRI- WASH, METRO HELD CYTUE

b6

FD-621 (R	tev. 6-23-87) (Nontel	ephonic Corsensual M	onitoring Usage	Report) J	(U)		AIRTEL	,
FBI AUTOMA DATE 11-30	ATIC DECLASSIFICA D-2016 BY		ederal Bureau	u of Investig	gation	STE	A Si	
b6	From: SAC,	MFO (196A-15	63 SUB YI	(C=9)	Date: 9 /7/ 8	39	Con It	
ь 7С	•	OR, FBI	1)			S E K	ET	
HERE IN LS EXCEPT WHO OTHERWISE	PINCU ET AL FBW; INCOM TRADI ATION CONTOO!	NG; RICO; E TAX EVASIO NG WITH THE !	TIVE (B);	F	CLASSIFIE REASON: DECLASSIF	1.5	10-01	ь6 ь7С
V ,	Re Bu as above:	WHFO telegyp	s MPC	to FBIHQ da dated 8/4	rited 7/31/ /89	captioned	_ and	
	your request f	confirming communication(s) requirements and the confirming communication(s) requirements and the confirming information of the corroborating the corroborating the corroborating the corroboration of	unication reconcepted (unication reconcepted) (uested/grante ity. on relates to the information reallegation of the no information at the information the information the information at the information the information the information at the information the information the information at the information the informatio	eived from F. (U) the use of the which corrollor suspicion.	e equipment	evice, mark ate. (U)	below:	(U)
	X Commi	(Only one o	of the above		-C I		$\mathcal{D}_{(0)}$	
	of authorization FBIHQ-CID (wor renewal ther	7 11-1	elephonic con or a subseque	nsensual moni nt authorizati	toring by e on), and fo	ither the DC r each exten	OJ or sion	
	Transn Index, FBIHQ."	nit to FBIHQ in a	sealed brown					(U)
	2 - Bureau 1 - 1 - WAFO 1962		Office Inves Office Cont	tigative File)	Encrebed	563 Sub	-1-6	1
	ь6	NECESTED II.	110-S		Desi-	A N	OADR FBI/DOJ	
	b7C b7E		(04)=		3	FCRET		

DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 11-30-2016 BY:

OF MINE

	Set men	
TRANSMIT VIA:	Segret 9/19/89	b6 b7С
FROM:	Director, FBI	
то:	SAC, WMFO (196A-1563 SUB Y) (C-8)	
	MARC RICH - FUGITIVE (B); ET AL; FBW; MF; RICO; INCOME TAX EVASION TRADING WITH THE ENEMY; OO: NEW YORK	
	Re WMFO teletype dated 9/13/89.	
General of "Procedure Communicat	Pursuant to the provisions of the Attorney General's of November 7, 1983, to the Heads and Inspectors Executive Departments and Agencies, entitled es for Lawful, Warrantless Interceptions of Verbaltions," authorization was granted on device, as described in device, as described in and expiring and expiring	
granted or	Emergency authority for use of these devices, which was	57E
expiration use of this 10-10.3(9)	You are to submit an FD-621 within 30 days of the of this authorization furnishing information regarding is equipment in accordance with MIOG, Part II, Section	
seven days	In the event a renewal of this authority is deemed, submit your request with full justification at least prior to the expiration of the existing authority, in with MIOG, Part II, Section 10-10.3(9)	
the field 10-10.5).	In addition, you should ensure that all persons identified as having been monitored are included in office and FBIHQ EISUR indices, (MIOG, Part II, Section Strict administrative controls must be established to ese requirement are met.	
appropriat	As you know, this equipment is to be used only when a granty is present. Bureau equipment should be afforded to security. You should keep the Bureau advised of developments.	
1 - Attn:	WMFO Elsur Coordinator Classified by: G-3 1964-1563	de
	Classified by: G-3 Declassify on: OADR	1

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Memorandum



To	÷	AD	IC, NEW YORK (19	6A-1774)PDate	7/24/89
From	Ĭ,	SA		(c-1)	b6 b7С

Subject: MARC RICH-FUG(B),
PINCUS GREEN-FUG(B),
FBW(A)
00: NY

It is requested that a sub-file be opened to the main file in accordance with recent Bureau regulations concerning Justice cases.

Plane Mente A

1968-126

D-196A-1774SUBA

b6 b70

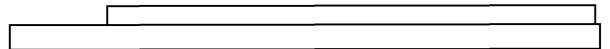
FEDERAL BUREAU OF INVESTIGATION

Precede	nce: ROUTIN	1E			Date:	02/12/2001
To: In	vestigative	Services	Attn:	SSA ISD, IR		
From: 1	New York					
	C-3 Contact:	SA				b6 b7C
Approved	d By:					
Drafted	By:					
Case ID	#: 196A-NY	:-1774 (Per	nding)			
Title:		- · · ·	CAX EVASIO	ON,		

Synopsis: Interpol red notices were issued for subjects in 1987. Subjects received a Presidential pardon on 1/20/01. It is requested red notices be removed from Interpol.

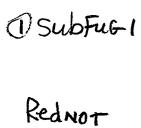
Subjects were indicted in the SDNY 9/19/83 and Interpol red notices were issued for both subjects in 1987. On 1/20/01, President Clinton granted Executive clemency and pardoned both Rich and Green.

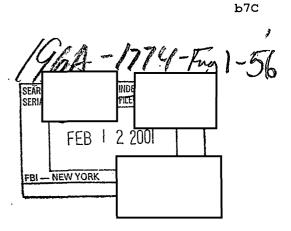
Marc Rich was born 12/18/34 and was assigned Interpol file number 5031/87 and control number A-147/4-1987.



It is requested that red notices be removed from Interpol for both subjects.

b6 Per Interpol b7C Per Interpol





b6



010) 031 0654
20 F304
20 F304
20 F304
20 F304
20 F304
20 F30 May 93
5M F81 WMF0 (196A-89-1774) (F) (C-F)
(3 F31 MEW YGRY/FR(ORITY/
ET

000005 E F T 0
CITE: 7/3520//
F988: NEW YORK SA SQUAD C-12.

SUBJECT: MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (C); FBU; MF: RICO; INCOME TAX EVASION: TRADING WITH THE ENEMY: CO:NY.

b6 b7C

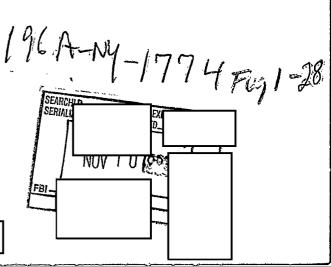
REFERENCED TELETYPE REQUESTED INTERVIEW OF U.S DEPARTMENT OF STATE (USDS) EMPLOYEE RAYMOND HESSE CONCERNING A POSSIBLE RECENT SIGHTING OF FEDERAL FUGITIVE MARC RICH IN MOSCOW.

THIS INTERVIEW HAS BEEN DELAYED AS HESSE HAS BEEN ON OFFICIAL

Dub Ful 1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIDATE 2/22/01 BY

b6



FASE TWO DE FELWERD GOOD GROUND E F T D TRAVEL IN FARIS.

				f Franci,				网络还
TELEPHO	MICALL	Y INTERV	JEWED (M 11/10/	ra ey un	MFO SIA		
	DUE TO	HERE	FEMD(NG INTERN	ATIONAL	TRAVEL	_ SCHEI	HULE
AND TH	te cove	TRAINTS.	HESSE	PROVIDED	THE FO	Lowind	, i	
CHECRM	TION.							

FRANKFURT, WEST GERMANY, ON USDS PUSINESS ON 9/27/93. MESSE
ARRIVED AT THE MOSCOW ALRPORT HANDLING INTERNATIONAL FLIGHTS
ON THAT DATE AND CLEARED RUSSIAN CUSTOMS AT ABOUT .: SOPM.
WESSE WAS MET BY RUSSIAN OFFICIALS.

UPON LEAVING THE INTERNATIONAL ARRIVALS AREA, MESSE
OBSERVED A NUMBER OF LIMOUSINE DRIVERS AUAITING CLIENTS. THESE
LIMOUSINE DRIVERS WERE HOLDING UP SIGNS BEARING NAMES OF THE)R
OLIENTS. MESSE MOTED THAT ONE OF THE SIGNS BEING MELD UP BORE
THE NAME "MARC RICH". MESSE AND THE RUSSIAN OFFICIALS DECIDED
TO UAIT TO SEE IF RICH MET THE LIMOUSINE DRIVER. MESSE ADVISED
HE HAD NEVER MET RICH IN PERSON BUT HAD SEEN HIM IN AN NEC
NEWS INTERVIEW A COUPLE OF MONTHS BEFORE. AFTER A FEW MINUTES
OF WAITING, HESSE ADVISED A MAN MESSE BELIEVED TO BE MARC RICH
(BASED UPON THE MEC BROADCAST) MET THE LIMOUSINE DRIVER. RICH

196A-NY-1774

b6 b7C

Sub Fub 1

b6 b7С TWO MEN STARTED WALKING AWAY. HESSE DID NOT KNOW IF PICH FLEW 1470 MOSCOW ON A COMMERCIAL FLIGHT OR A PRIVATE JET.

ONE OF THE RUSSIAN OFFICIALS WITH MESSE, ALEXI MORDVIN.
SURGAC OF FINANCIAL CRIME. COMMENTED THAT AN UNANNOUNCED VISIT
BY RICH TO MOSCOW WOULD NOT HAVE OCCURRED FOUR YEARS AGO BUE
TO EXTREME TRAVEL RESTRICTIONS. MOROVIN CLAIMED THEY HAD
MODULEDGE OF RICH'S REPUTATION BUT DID NOT MOOW HE WAS IN
RUSSIA.

"DW. PEOPLE LIKE RICH CAN ENTER THE COUNTRY AT ANY TIME.

HESSE ADVISED THIS WAS HIS ONLY SIGHTING OF RICH. UPON
H/S RETURN TO THE U.S., HESSE PROVIDED THE ABOVE INFORMATION
TO FELHO SSA CID. HESSE HAD NO CONTACT .

(TH ANYONE FROM THE SDNY.)

HESSE COULD NOT PROVIDE ANY ADDITIONAL INFORMATION.

WMFO WILL CONTINUE TO MAINTAIN SOURCE CONTACTS IN THIS MATTER.

ET

CO Clear

A STATE OF A

196 A-NY-1774

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b6 b7C

b6 b7C b6 b7C

Per OGA Letter Dated: 04-25-2019

0036 MRI 01185

RR RUCNEB FBINY LON MAD

DE &BEF. #0005 1691827

ZNY CCCCC

R 1617097 JUN 92

FM LEGAT BERN (196A-NY-1774) (P)

TO DIRECTOR FBI/ROUTINE/

FBI NEW YORK/ROUTINE/

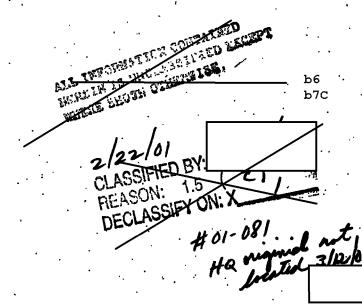
LEGAT LONDON/ROUTINE/

LEGAT MADRID/ROUTINE/

BT

CONFIDENTIAL

CITE: //5550:BR263W.168.//

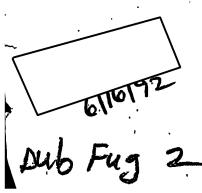


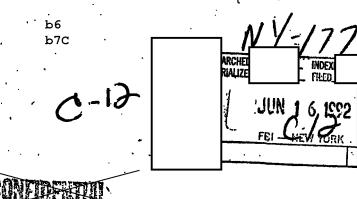
SUBJECT: MARC RICH-FUGITIVE (B); FINCUS GREEN-FUGITIVE (B); FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE EMEMY; OO:NY.

THIS COMMUNICATION IS CLASSIFIED "CONFIDENTIAL" WHERE INDICATED, OTHERWISE IT IS UNCLASSIFIED.

FOR INFORMATION NEW YORK AND OTHER RECIPIENTS, LEGAT BERN RECEIVED COPY OF A STATE DEPARTMENT CABLE FROM AMEMBASSY







PAGE TWO DE BER 0005 CONFIDENTIA				
CLONDON (CLASSIFIED CONFIDENTIAL) IDENTIFIE	ED AS LONDON 4928			
DATED MAY 29, 1992 WHICH WAS BENT TO BECST	TATE, EMBASSIES			
MOSCOW, BONN, BERN, VIENNA, AND AMCONSULS	FRANKFURT AND			
ZURICH, THIS CABLE ADVISES OF RUMORS IN LO	ONDON THAT FUGITIVE			
OIL DEALER MARC RICH'S OIL DEALS ARE BEING	3 INVESTIGATED			
LONDON REPORTED THAT				
IN RESPONSE THERETO,	IS ALLEGED TO HAVE			
ORDERED AN INVESTIGATION INTO				
THE CABLE GOES ON TO SAY THAT	RUMORS ARE IN LONDON			
THAT				
	THE CABLE ALSO			
STATES THAT THE ANALYST/SOURCE HAS A NUMBE	ER OF			
<u> </u>				
THE LONDON CABLE REQUESTS RECEIVING	3			
EMBASSIES/CONSULATES TO PROVIDE ANY INFORM	MATION RELATED TO THE			
ABOVE: DOME (U)				

IN OTHER DEVELOPMENTS, LEGAT HAS RECEIVED SEVERAL PRESS



PAGE THREE DE BER 0005 C O N F I D E N T I A L

ARTICLES CONCERNING RICH. THE APRIL, 1992 ISSUE OF "BILANZ",
THE SWISS ECONOMICS MAGAZINE, REPORTS THAT RICH IS STILL
INTENDING TO MOVE HIS RESIDENCE FROM THE CANTON OF ZUG TO
NEARBY CANTON OF LUCERNE, TO THE VILLAGE OF MEGGEN. LOCATED CN
LAKE LUCERNE. IN 1990, RICH EDUGHT THE LAKE FRONT VILLA ROSE
AND THE VILLA HAS BEEN IN RENOVATION SINCE THAT TIME. THIS
ARTICLE ALSO REPORTS THAT RICH HAD SOME CONFLICT WITH LUCERNE
AUTHORITIES IN THAT HE OFFERED A LARGE SUM OF MONEY FOR THE
CONSTRUCTION OF A NEW CONCERT HOUSE IN LUCERNE TO HOUSE THE
LUCERNE MUSIC FESTIVAL, ON THE CONDITION THAT HE HAVE A VOICE
IN THE PROGRAM OF THE LUCERNE MUSIC FESTIVAL. RICH WAS
REPORTEDLY TOLD THAT HIS MONEY WAS OF COURSE WELCOME BUT THAT
HE WOULD HAVE NO INFLUENCE OVER THE MUSIC FESTIVAL.

IN A ZURICH "SOCIETY" NEWSPAPER OF MAY 14, 1992 IT WAS REPORTED THAT RICH IS DIVORCING HIS WIFE DENISE RICH AND THAT HIS NEW "COMPANION" GISELA ROSSI IS TAKING COURSES IN THE JEWISH RELIGION AND CUSTOMS.

FINALLY, A BRIEF ARTICLE APPEARED IN ONE OF THE SWISS FINANCIAL NEWSPAPERS STATING THAT MARC RICH AND CO. ANNOUNCED THAT WILLY STROTHOTTE IS LEAVING THE RICH FIRM, BY MUTUAL

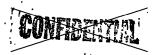


AGREEMENT, THE END OF JUNE, 1992. THE ARTICLE NOTES THAT THIS ACTION WAS THE RESULT OF DIFFERENCES IN MANAGEMENT, PHILOSOPHIES.

A MAY 18, 1992 ARTICLE IN THE SWISS ECONOMICS WEEKLY "CASH" REPORTS ON THE EFFORTS OF MARC RICH AND CO. TO EXPAND THEIR ACTIVITIES IN THE ALUMINUM FIELD. THE ARTICLE DESCRIBES MARC RICH AND CO. AS THE FIFTH OR SIXTH LARGEST ALUMINUM PROGUCER IN THE WORLD AND NOTES EFFORTS BY RICH'S COMPANY TO MAKE MAJOR EXPANSIONS IN THE ALUMINUM INDUSTRY. THE ARTICLE REPORTS THAT MARC RICH AND CO. OR CLARENDON OBTAINED A 36 PER CENT OWNERSHIP IN A PLANNED 720 MILLION DOLLAR PROJECT IN VENEZUELA. CLARENDON IS REPORTEDLY PART OF A CONSCRTIUM MADE UP OF THE ORGANIZATION DIEGO CISNEROS, REYNOLDS ALUMINUM AND A GOVERMNENT GROUP CALLED CVG. IN ADDITION, RICH OR CLARENDON HAS REPORTEDLY MADE AN OFFER TO ACQUIRE AN ALUMINUM PLANT IN FRANCE OWNED BY THE FRENCH ALUMINUM FIRM PECHINEY, WHICH OFFER WAS REPORTEDLY REJECTED. WILLY STROTHOTTE IS QUOTED AS SAYING THE NEGOTIATIONS ARE STILL IN PROGRESS. THIS IS CONSIDERED TO BE AN ESPECIALLY IMPORTANT ACQUISITION FOR RICH AS IT WOULD GIVE HIM A FOOTHOLD WITHIN THE EUROPEAN COMMUNITY IN THE ALUMINUM-PRODUCING INDUSTRY.



PAGE FIVE DE BER 0003 CON EL DE TENTE
, WITH REGARD TO THE WHO MADE
REMARKS TO HIGH LEVEL JUSTICE DEPARTMENT OFFICIALS DURING A
RECENT VISIT TO THE EFFECT THAT THIS
LEGAT PLANS TO MEET
WITH HIM ON DURING AN "OFFICIAL" LUNCHEON.
LEGAT HAS ALSO RÈCEIVED INDIRECTLY THROUGH THE
AGRICULTURAL ATTACHE, EMBASSY BERN, REPORTS THAT
TRAVELS FREQUENTLY IN THE FORMER
HAS RECEIVED NUMEROUS INQUIRIES FROM JOURNALISTS
AND GOVERNMENT OFFICIALS ABOUT RICH. APPARENTLY, RICH HAS
BEEN AND STILL IS VERY ACTIVE IN ROMANIA, FORMER SOVIET UNION,
BULGARIA AND OTHER COUNTRIES IN EASTERN EUROPE, BUT HAS MET
WITH A GREAT DEAL OF SUSPICION BECAUSE OF EITHER THE NATURE OF
PIS DEALINGS OR THE FACT THAT IT IS KNOWN HE IS A FUGITIVE
FROM THE UNITED STATES. LEGAT HOPES TO MEET PERSONALLY WITH
THE BERN AGRICULTURAL ATTACHE WHEN
FROM A TRIP OUTSIDE
LEADS: LONDON AT LONDON:



PAGE SIX DE BER 0005 C O N F 1 B E N T I A L

MAKE APPROPRIATE INGUIRIES TO DETERMINE AUTHOR OF ABOVE-CITED AMEMBASSY LONDON CABLE AND CONTACT THAT OFFICER FOR ANY FURTHER DETAILS AVAILABLE AS WELL AS ANY FEEDBACK OBTAINED FROM THE CABLE HE SENT OUT.

LEGAT BERN CONTINUING EFFORTS TO DEVELOP PERTINENT INFORMATION RE SUBJECTS.

C BY 3/2; D -XADR.

BT

#0005

NNNN

MRI 00870 0031 00 P12 FBINY DE BER #0002 1901501 ZNR UUUUU 0 081443Z JUL 92 FM LEGAT BERN (196A-NY-1774) (P) TO DIRECTOR FBI/IMMEDIATE/ FBI NEW YORK/IMMEDIATE/ BT **UNCLAS** SECTION ONE OF TWO SECTIONS CITE: //5550:BR289W.190.// PASS: FBIHQ: CID, WCC SECTION. SUBJECT: MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B); FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; 00:NY. REQUEST OF FBIHQ: FBIHQ IS REQUESTED TO FURNISH THE INFORMATION SET FORTH BELOW TO OFFICE OF INTERNATIONAL b6 AND/OR AFFAIRS, US. DOJ, ATTORNEYS b6 196AN41774-27 Osub Fug. 2 TUL 0 8 1992 FBI- NEW-YOR

PAGE TWO DE BER 0002 UNGLAS

REFERENCE IS MADE TO LEGAT, BERN TELCALL TO NEW YORK 7/7/92.

ON 7/7/92, CONSULAR OFFICER, U.S. EMBASSY, BERN ADVISED LEGAT OF RECEIPT OF A TELEFAX FROM DEPARTMENT OF STATE (DOS) WHICH INCLUDED A REQUEST FOR TRAVEL SUBMITTED TO DOS BY DEPARTMENT OF JUSTICE, OFFICE OF INTERNATIONAL AFFAIRS (DIA). THIS REQUEST REFLECTS THAT SUBJECT RICH AND HIS ATTORNEYS. THE REQUEST INDICATES THAT MARC RICH'S AMERICAN ATTORNEYS HAVE TOLD US THAT HAS BEEN INFORMED AND APPROVES AMBASSADOR GILDENHORN REQUESTED LEGAT TO DETERMINE FURTHER SPECIFICS OF THIS MATTER AND INSURE THAT APPROVE OF THIS RICH AND HIS ATTORNEYS LEGAT CONTACTED OIA TO DETERMINE FURTHER

SPECIFICS AND BACKGROUND AND TO IDENTIFY HER POINT OF CONTACT

b6 b7C b7D b7E

PAGE THREE D	E BER 0002	UNCLAS			
		AS REQUE	STED BY AMB	ASSADOR	
GILDENHORN.		ADVISED	LEGAT THAT	SHE HAD BEEN	IIN
DIRECT CONTA	CT WITH				
			CONCERNING	THIS MATTER.	HIS
INITIAL RESP	ONSE WHEN C	ONTACTED W	AS THAT	,	
				1	
LEGAT NOTED		CALL THAT		WAS UNKNOWN	το ·
LEGAT AND A	REVIEW OF				<u> </u>

PAGE FOUR DE BER 0002 UNCLAS	b5 b6
	b7С , b7D
THE ABOVE WAS DISCUSSED WITH SA NYO ON	b7E
7/7/92.	
ON 7/8/92 LEGAT, AT THE REQUEST OF AMBASSADOR GILDENHORN	
MET WITH	
TO CLARIFY THE MATTER AND	b 6
OBTAIN ASSURANCES THAT ALL WAS IN FACT CLEAR	b70 b71
BASED ON THIS MEETING, IT APPEARS CLEAR THAT	
THERE HAVE BEEN A NUMBER OF POSSIBLE MISUNDERSTANDINGS AND	
UNCLEAR COMMUNICATIONS AND THAT THERE ARE A NUMBER OF "GRAY	
AREAS" INVOLVED HERE.	
FIRSTLY, IT APPEARS THAT THIS WHOLE MATTER WAS INITIATED	
BY MARC RICH'S ATTORNEYS,	
1	,
REPRESENTING	1
MARC RICH.) NEITHER WERE SURE OF THIS	b 6
FACT BUT INDICATED THEY WOULD CHECK WITH THEIR ASSOCIATES TO	ь7С ь 7D
DETERMINE WHOM HAD CONTACTED AND EXACTLY IN WHAT	b7E
CONTEXT AND FOR WHAT PURPOSE. THE QUESTION WHETHER IT WAS IN	
FACT RICH AND HIS ATTORNEYS WHO INITIATED	
IS IMPORTANT TO BECAUSE IT RELATES TO	

PAGE FIVE DE BER 0002 UNCLAS IN ESSENCE, b6 b7C b7D b7E вотн TENDED TO AGREE THAT IN ANY CASE

b6 b7C b7D b7E

PAGE SIX DE BER 0002 UNCLAS	
THEN RAISED THE QUESTION OF WHETHER IT MIGHT	
NOT BE MORE PROPER FOR	
LEGAT INDICATED	
THAT HE THOUGHT THIS MIGHT BE UNDESIRABLE FROM THE STANDPOINT	b7D
OF RICH AND HIS ATTORNEYS AS WELL FROM THE SDNY. DURING THIS	b7E
AND OTHER DISCUSSION IT BECAME QUITE CLEAR THAT THERE WAS	
CONSIDERABLE CONFUSION AS TO EXACTLY WHO HAD TALKED	
TO WHOM, WHAT WAS SAID AND/OR REPRESENTED TO WHOM, EXACTLY HOW	
INTERPRETS THIS AND WHAT, IF ANY,	
CONDITIONS THEY OR RICH'S ATTORNEYS HAVE SET OR WISH TO SET	
A COUPLE OF KEY PEOPLE WHO	
HAVE OBVIOUSLY BEEN INVOLVED ARE CURRENTLY ON VACATION AND	
WERE NOT AVAILABLE TO CLARIFY THE SITUATION.	
IT WAS AGREED THAT WILL ATTEMPT TO CLARIFY THE	
BACKGROUND DETERMINE FROM RICH	ı
AND/OR HIS ATTORNEYS	
BT	
#0002	

NNNN

MRI 00871 00 P12 FBINY DE BER #0003 1901459 ZNR UUUUU 0 081443Z JUL 92 FM LEGAT BERN (196A-NY-1774) (P) TO DIRECTOR FBI/IMMEDIATE/ FBI NEW YORK/IMMEDIATE/ BT **UNCLAS** SECTION TWO OF TWO SECTIONS CITE: //5550:BR289W.190.// FBIHQ: CID, WCC SECTION. PASS: SUBJECT: MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B); FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; 00:NY. TEXT CONTINUES: b7D b7E IT WAS AGREED THAT LEBAT/U.S. EMBASSY BERN WILL b6 ъ7С 7111 0 8 1992

PAGE TWO DE BER 0003 UNCLAS
TO WRITING TO INSURE THAT THERE ARE
NO MISUNDERSTANDINGS.
LEGAT'S COMMENTS: IT IS NOTED THAT LEGAT HAS GOTTEN
INVOLVED IN THIS MATTER PRIMARILY AT THE REQUEST OF AMBASSADOR
GILDENHORN WHO MUST ULTIMATELY GRANT CLEARANCE FOR THE
PROPOSED TRAVEL. AMBASSADOR GILDENHORN IS CONCERNED THAT
BECAUSE OF THE GREAT SENSITIVITY TO THIS CASE, THE
EXTREME NOTORIETY THAT IT HAS RECEIVED IN THE PAST AND THE
POTENTIAL IT HAS FOR INFLUENCING EITHER GOOD OR BAD
IN THE FUTURE. HE BELIEVES AND LEGAT CONCURS THAT
THE LIKELIHOOD IS GREAT THAT
IT IS OBVIOUS FROM LEGAT'S DISCUSSION WITH
IT IS HOPED THAT

PAGE THREE DE BER 0003 UNCLAS

THIS WILL BE RECTIFIED BY THE END OF THIS WEEK.
ADVISED THAT HE WOULD DISCUSS THE MATTER IN DETAIL WITH HIS
VARIOUS COLLEAGUES WHO HAVE HAD A HAND IN THE MATTER TO DATE
AND WOULD ALSO DISCUSS THE MATTER WITH RICH'S ATTORNEYS
AND WOULD COMMUNICATE SAME TO LEGAT
AND DIA, RESULTING IN A WRITTEN STATEMENT
REQUESTED LEGAT TO DETERMINE FROM THE SDNY AND/OR DIA THEIR
SPECIFIC AND 66
COMMUNICATE SAME TO HIM, TO INCLUDE POSSIBLE OTHER ISSUES SUCH 678
ARE DESIRED BY SDNY OR OIA
ADVISED THAT HE FELT CERTAIN THAT IF IN FACT
ADVISED THAT HE FELT CERTAIN THAT IF IN FACT BY RICH AND/OR HIS ATTORNEYS AND
1
BY RICH AND/OR HIS ATTORNEYS AND

PAGE FOUR DE BER 0003 UNCLAS
·
ONE FACTOR THAT DIA AND SDNY SHOULD CONSIDER IN
APPROACHING THIS MATTER WITH DUE CAUTION IS THE POSSIBILITY
THAT RICH OR HIS ATTORNEYS
IT APPEARS BASED ON THE INFORMATION
AVAILABLE TO LEGAT THAT THERE IS THE SUGGESTION THAT THE SDNY
ATTORNEYS TRAVEL

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> b6 b7C b7D b7E

PAGE FIVE DE BER 0003 UNCLAS	
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	b7D
	b7E
LEGAT '	
DOES NOT BELIEVE THE ABOVE SCENARIO TO BE HIGHLY LIKELY BUT IT	
CANNOT BE DISCOUNTED ENTIRELY EITHER, A FURTHER REASON FOR	
INSURING THAT BE HANDLED ABOVE BOARD AND	
WITH THE PROPER AUTHORIZATIONS IN WRITING.	
LEGAT WILL CLOSELY FOLLOW THIS MATTER AND FOLOW UP WITH	
•	
NEW YORK IS REQUESTED TO FURNISH ABOVE INFORMATION TO	
USA, SDNY AND OBTAIN ANY COMMENTS.	
BT	
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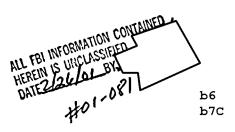
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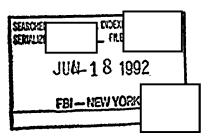
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P. 1



Office of the Legal Attache American Embassy London, England



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Page 1 of 3 pag	jes	Date: July 13,1992			
O IMMED X PRIORI O ROUTII	ŢŶ	X SECURE O NON-SECUR X CLASSIFICA		DENTIAL	
TO:	FBIHQ		FILE NO:	196A-NY-1774	
FAX NUMBER:	NEW YORK	* ,	• 1		
ATTN:	CID, ATTENTION	SSA	RM	5056	ь6 ь7С
FROM: ORIGINATOR: \	LEGAL ATTACH	IE, LONDON	FILE NO: 1	96A-NY-1774	6
SUBJECT:	MARC RICH, ET A			-	
COMMENTS/M FBIHQ, 7/13/92	ESSAGE: RE LOI	NDON TELCALL TO	SSA	FUGITIV	E UNIT,
HOWEVER AS IS	THE FOLLOWING IS LONDON CONCERNING IN LONG SET FORTH IN THE A SIGNIFICANT IN THE A SIGNIFICANT IN THE A SIGNIFICANT IS A SIGNIFICANT IN THE RESERVE TO THE PROPERTY OF THE PRO	RNING RUMORS OF DON HAVE FAILED E FOLLOWING PAG AFFECT WITHIN T	THE ARREST TO SUBSTANT ES THE RUMOR HE OIL COMMU	OF MARK RICH PLATE THE RUM IS HAVE ALLEG INITY.	ORS, EDLY
IN EASTERN EURO HAVE BECOME KNO	LONDON NOTES THE CONTROL OF THE CONT	THE REQUESTS FO TES THAT THE RE- RNATIONAL COMMU	R PROVISIONA QUESTS FOR T NITY AND MAY	L ARREST WAR THE WARRANTS HAVE STIMUL	Rants May Ated
	SOURCES IN LONG LONDON WILL CON I DEVELOPMENTS.				

PLEASE NOTE THAT THE FOLLOWING PAGES ARE IN DRAFT FORM AND THE INFORMATION CONTAINED THEREIN SHOULD HANDLED DISCREETLY UNTIL SUCH TIME AS THE OFFICIAL CABLE IS SENT.

Approved

2

appreciate confirmation or denial of this item. the department and other usg agencies may receive similar questions.

4. rich has run into problems in argentina and brazil for alleged shady dealings. there are rumors that rich is under suspicion in russia and rumania for payoffs to officials.

5. according to source. ′ **b**7D 6. key rich organization. have left his and who departed the rich organization a few weeks b6 under the b7C will take over ago. supervision of who has been in into the rich organization. who follows the rich organization for a b6 b7C b7D and comment.

CONFIDENTIAL

L 13 '92 09:30 CONFIDENTIAL STA 07/13/92 econs e/e:ptyson

econ, customs, justice

b6 b7C

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1 P.1

ID: 5654

APV:

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AMEMBASSY LONDON secstate washdc, immediate fbi hq wash dc, immediate depttreas washdc info amembassy brasilia amembassy bucharest amembassy buenos aires amembassy moscow amembassy bern amconsul zurich

dept pass customs and justice

dept for eb/oge and eur/ce

E.O.12356: DECL: OADR

TAGS: epet, pgov, opec, uk SUBJECT: london rumors: has march rich been arrested?

ref: gallogly-tyson telcon 7/13/92

1. c - entire text.

2. begin summary: oil traders are spreading the rumor that indicted oil trader marc rich has been arrested by the usg. traders are seeking confirmation or clarification of this information and may approach the washington agencies. rumors of rich scandals in brazil, argentina, south africa, iran, libya rumania and russia continue to circulate in london. rich's organization has been hit by resignations and has been reorganized. there is speculation that rich's senior executives may seek to ease him out of the business. end summary,

3. we have been called by oil traders and analysts seeking confirmation of an item that appeared on trader's screens last friday. the item stated that indicted oil trader marc rich of zug, switzerland has been arrested by us customs. per reftelcon, would

> ALL FBI INFORMATION HEREIN IS UNCLASS #01-081

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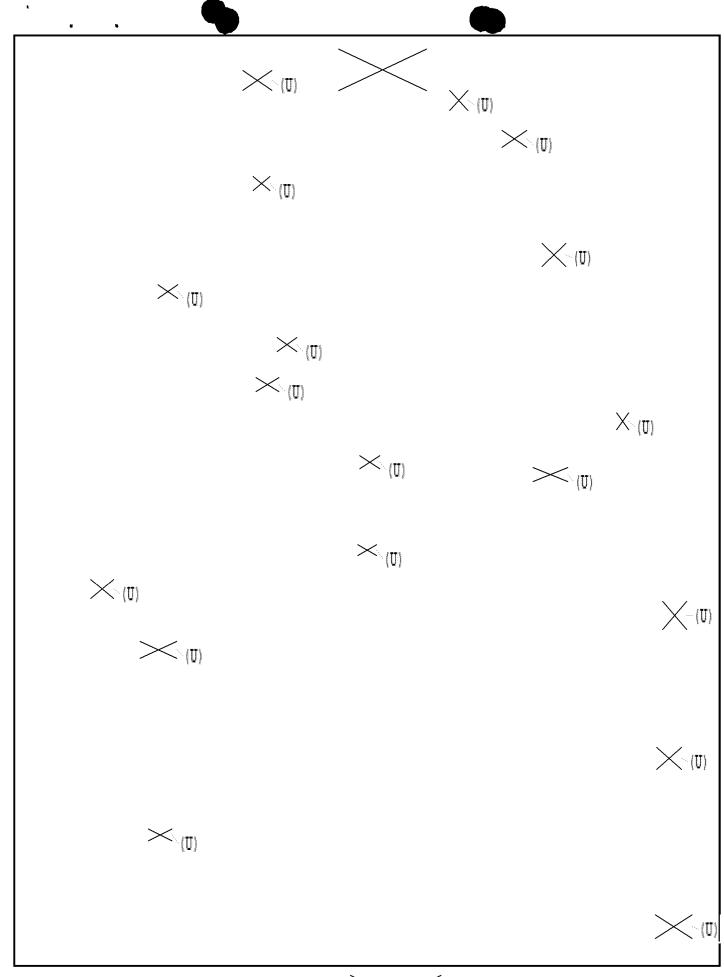
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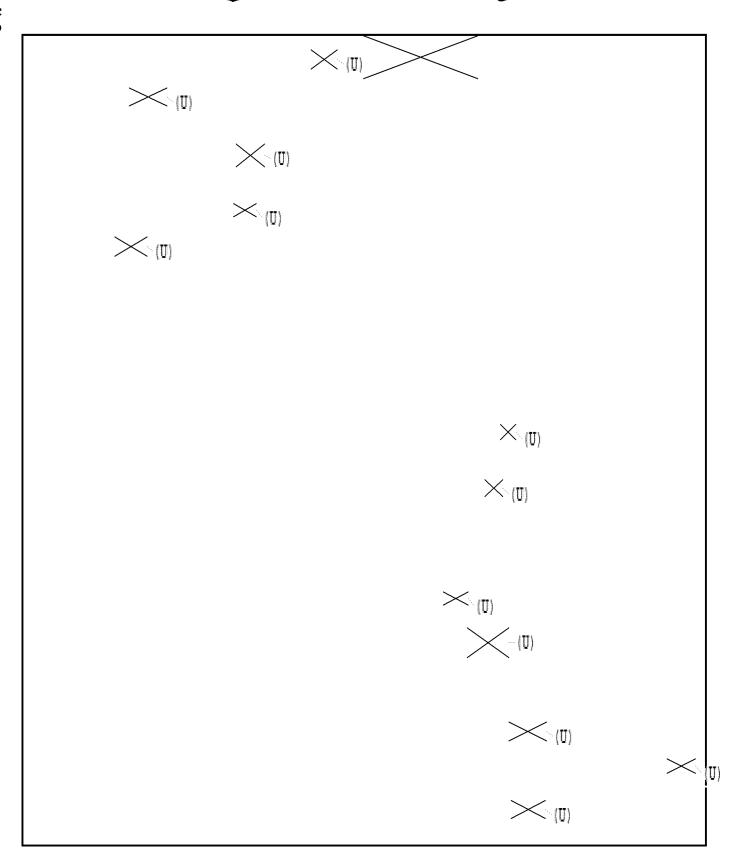
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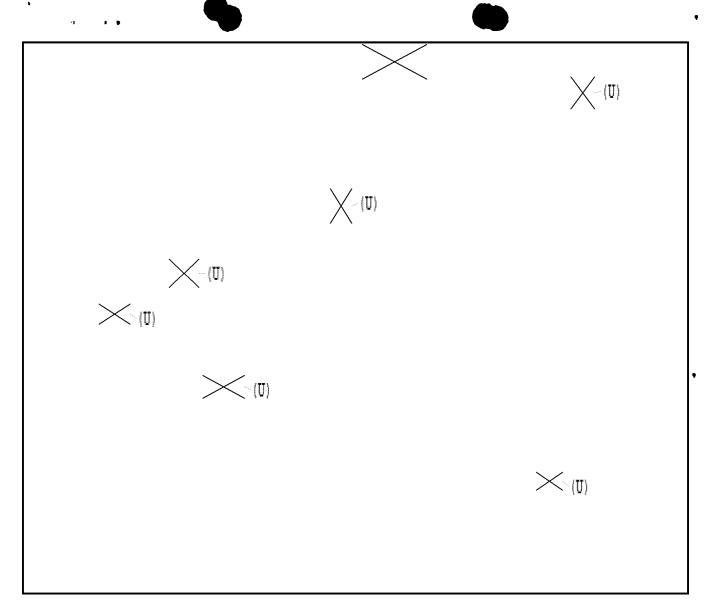
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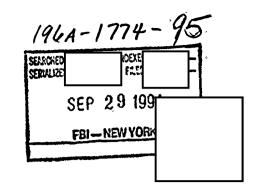
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U.S. Department of Justice



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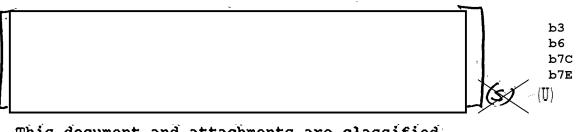
Federal Bureau of Investigation

In Reply, Please Refer to File No.

16320 N.W. 2nd Avenue North Miami Beach, Florida 33169

> b3 b6

September 23, 1994



This document and attachments are classified SECRET in their entirety.

copies of photographs taken	b7C b7E
is depicted in three photographs conversing with various unidentified persons. (Exhibit 1)	2
The photographs show	
in a position to provide sensitive information furnished the following information:	
	/
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PRINTION SIFING	/
TO THE OTHER PORTS	
b6	
101-084:100 1 b7c	

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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		(Exhibit 2) (I)
		 _
	1/81/2015	
	ℰ ∑ (Ū)	
	repo	rted that MARC RICH was
allegedly	seen in	
		_
		(Field Comment:
These	are not included in this repor	t but may be requested
TLOW LRT	Miami).	

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FBI AUTOMATIC DATE 02-03-202:	DECLASSIFICATION GUIDE 2 BY:	ь6 ь7с		
FD-36	(Rev. 11-17-88)	2.5	•	ı
		FBI		
} -	TRANSMIT VIA: Teletype Facsimile AIRTEL	PRECEDENCE: Immediate Priority Routine	CLASSIFICATION: TOP SECRET SECRET CONFIDENTIAL UNCLAS E F T O UNCLAS Date 9/23/94	
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	-entirety.	communication is classed for Bureau are sed		b7E
	"MARC RICH - FUG TAX EVASION; TRA	nated for New York f ITIVE (B); ET AL; FB DING WITH THE ENEMY;	W-MAJOR FRAUD; RICO;	ptioned b7F
	ALL INFORMATION COMMENTS SHOWN OTHER SHOWN OTHER SHOWN OTHER SHOWN OTHER SHOWN OTHER SHOWN OTHER SHOWN OF THE	b6 F b7C 5. 6) b7E	CLASSIFIED BY: CLASSIFIED BY: CLASSIFY ON: X CHASSIFY ON: X	6 F2
1	2 - New York (19 1 - Miami (8)	CLASSIFIED 8Y: G-3 DECLASSIFY ON: OADR	RALIZED_	28 1994
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DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE

b3 b7E SECRET Sources: who furnished b3 that b6 reported that MARC RICH was reportedly seen b7C b7D b7E the persons on Consequently, Miami was also unable to identi Miami recommends that the LHM be disseminated If appropriate, also to Treasury (OFAC) and the U.S. Marshal Service, the latter under the premise that MARC RICH may be

found

matter.

on occasion. (3)

Miami conducting no further investigation of this

and/or can be

b3 b6

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RICH, MARC	DWIFT			NO: 001	
TRŬE:				REC-NO:-001-	
-FO:-NY	CASE-NO:-196B-(0001774-			
NAME TYPE: M	IAIN REF: M	EVENT DATE:		INDEXED: 072381	
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VIOLATION: FBW SERIALS:—38,411,4				SPECIAL:	
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CITE:	//3540//		b6 Per FBI
PASS:	HQ FOR SSA	FUGITIVE UNIT.	b7C Per FBI
SÛBJEC	T: MARC RICH - FU	GITIVE(B);	- FUGITIVE (B); FBW,;

MF, RICO, INCOME TAX EVASION, TRADING WITH THE ENEMY; 00:NY.

FOR INFORMATION OF CHICAGO, SUBJECTS INDICTED IN SOUTHERN DISTRICT OF NEW YORK (SDNY) ON FIFTY-ONE (51) COUNT INDICTMENT ON SEPTEMBER 19, 1983. BOTH FLED THE UNITED STATES AND BEGAN OPERATING FROM ZUG, SWITZERLAND, WHERE THEY ARE TODAY. THEIR COMPANIES ARE WORLDWIDE AND ARE DEEPLY INVOLVED IN TRADING OIL, TIN AND OTHER

b6 Per USMS
b7C Per USMS
b7F Per USMS

b6 Per USMS b7C Per USMS b7E Per FBI b7F Per USMS

COMMODITIES, RICH IS A BILLIONAL	RE WHO ENJOYS SANCTITY IN
SWITZERLAND WITH AS BULK OF	INDICTMENT ARE TAX COUNTS.
ON JULY 5, 1990,	UNITED STATES MARSHALS
OFFICE, NEW YORK, NEW YORK CONTAC	TED THE NEW YORK OFFICE AND ADVISED
THERE WOULD BE A MEETING	OFFICE IN
NEW YORK TO DISCUSS THE SUBJECTS.	<u> </u>
ON THE SAME DATE, THE MEETIN	G TOOK PLACE ATTENDED BY
FURNISHED THE	FOLLOWING:

b6 Per USMS/FBI b7C Per USMS/FBI b7E Per FBI b7F Per USMS

SAID HE HAS RECENTLY	BEEN IN TOUCH WITH	
MARCO INTERNATIONAL CORPORATIO	N, 350 FIFTH AVENUE, NEW	YORK, NEW
YORK, WHO IS SCHEDULED TO SURF	RENDER IN THE NORTHERN DIS	STRICT OF
ILLINOIS TO BEGIN A SIX (6) MC	NTH SENTENCE ON A BRIBERY	CASE HANDLED
BY THE FBI IN CHICAGO.	WHO MAY OR MAY NOT KNOW	
PERSONALLY, WAS CLOSELY ACQUAI	INTED WITH ONE	AMARC
COMPANY EMPLOYEE IN ARGENTINA	UNTIL KORMAN'S DEATH.	LEARNED
FROM EITHER KORMAN	THAT RICH HAS A YACHT E	SERTHED AT
PIER ONE IN DUBROUNIK, YUGOSLA		(65) FOOT
VESSEL, WHITE IN COLOR WITH A	BLUE STRIPE THE VESSEL	TS NAMED

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HAPPICOAT AND SLEEPS EIGHT (8) PERSONS. SAID RICH, AND
POSIBLY MAY BE ON THE VESSEL DURING THE LATTER PART OF AUGUST
1990. SAID HE IS MAKING AN EFFORT THROUGH THE COAST GUARD AND
STATE DEPARTMENT TO DETERMINE MORE INFORMATION ABOUT THE VESSEL AND
UNITED STATES JURISDICTION ON THE HIGH SEAS. IS ALSO
MAINTAINING CONTACT WITH FOR A MORE DEFINITE DATE AND, IF THE
UNITED STATES HAS JURISDICTION, THEN THE COAST GUARD WILL ARREST
RICH AND/OR ON THE HIGH SEAS IS THEY ARE ABOARD THAT VESSEL.
IT WAS MADE KNOWN TO THAT RICH, AND POSSIBLY
RENOUNCED THEIR UNITED STATES CITIZENSHIP AFTER THEIR INDICTMENT.

b6 Per USMS/FBI b7C Per USMS/FBI b7F Per USMS

	ADVISED, ACCORDING TO THE STATE DEPARTMENT, BOTH MAY STILL BE
CITI	ZENS AND STILL SUBJECT TO UNITED STATES LAWS SINCE THE
RENUI	NCIATION TOOK PLACE APPARENTLY AS A RESULT OF THEIR CRIMINAL
INDI	CTMENT.
	ADVISED THAT ASSISTANT UNITED STATES ATTORNEY (AUSA)
U	SDNY, HANDLING THE RICH CASE HAS BEEN APPRISED OF THE ABOVE.
	FOR THE INFORMATION OF THE BUREAU, TO ADDRESS THE QUESTION OF
WHÝ J	THE UNITED STATES MARSHALS ARE INVOLVED IN THE CAPTIONED CASE,
_	SAID HE HAS WORKED THE CASE FOR YEARS BECAUSE THE IRS ASKED THE
ĄSSIS	STANCE OF THE UNITED STATES MARSHALS IN LOCATING AND ARRESTING

b6 Per USMS/FBI b7C Per USMS/FBI b7F Per USMS

RICH AND
THIS INFORMATION IS BEING FURNISHED TO CHICAGO SINCE
WAS A SUBJECT IN A BUREAU CASE YET TO COMMENCE SERVICE OF HIS
SENTENCE.
NEW YORK OFFICE WILL MAINTAIN CONTACT WITH AND AUSA
CONCERNING THIS MATTER.

DECLASSIFI	CATION AUTHO	DRITY DERIVED FROM:
BI AUTUME	YTIL DELLASSI	FICATION CUIDE
NATE 02-03		BY:

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Memorandum



·To SAC, II 196A-NY-1774 (P)

10/14/92 Date

Prom 🚉

SSA

(C-12)

b6 b7C

Subject:

MARC RICH, ET AL;

FBW; MF;

b6

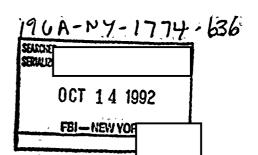
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It is requested that a "Top Secret" administrative sub file be opened which will be maintained in the NYO Security Officer's safe.

It should also be noted that this sub file will contain a "Top Secret" document

b3 b7E

196A-NY-1774 1 - 196A-NY-1774 (new sub file) 1 - SA b6 1 - SA b7C 1 - SUPV. C-12 (5) ALL INFORMATION CONTAINED HERE IS UNCLASSIFIED EXCEPT WHERE SHOTH OTREMUSE



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FF RUCHEE FEIRY

DE BER #0002 2841413

ZNY CCCCC

P 111326Z OCT 91

FM LEGAT BERN (1964-NY-1774) (F)

TO DIRECTOR FBI/PRIORITY/

FBT NEW YORK/PRIDRITY/

BT

CJNF

CITE: //5550:BER391.284 11 OCT 91//

FASS: ATTN: DID, WCC SECTION.

SUBJECT: MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (B)

FBW1 MF, INCOME TAX EVASION; TRADING WITH THE ENEMY; CO. NY.

UNCLASSIFIED EXCEPT AS NOTED.

FOR INFORMATION FBIHG AND NEW YORK, LEGAT RECEIVED COFIES OF

TWO RECENT STATE DEPARTMENT CABLES RELATING TO SUBJECT RICH, BOTH

CLASSIFIED CONFIDENTIAL BY STATES WHICH IS REASON FOR THE

b6

b7C

"CONFIDENTIAL" CLASSIFICATION OF THIS COMMUNICATION. (X) (U)

STATE CABLE 12356, DATED 10/2/91 WAS SENT TO AMCONSUL

CLASSIFIED DY REASON 1.5 LC DECLASSIFY ON: X 20-01

HERE IS LINGUASSIFIED EXCEP WHERE SHOWN OTHERWISE

EARCHED_ INDEXED ERIALIZED OCT 1 1 1991

196A-N41774-548



PAGE TWO DE BER 0002 CONFIDEIN FIAL

ST. PETERSBURG (FORMERLY LENINGRAD) EMBASSY, MOSCOW, AND AMIDINSULZURICH. IT REFERS TO LENINGRAD CABLE 4435, WHICH APPARENTLY
REFERS TO A RECENT CONTACT BY MARC RICH WITH THE J. S. CONSULATE IN LENINGRAD. STATE 12356 READS AS FOLLOWS: "CONSULATE GENERAL OFFICERS SHOULD POLITELY BUT FIRMLY RESIST ANY EFFORT TO INVOLVE THE CONSULATE GENERAL, DIRECTLY OR INDIRECTLY, IN ANY VENTURE OR OTHER ACTIVITY CONNECTED WITH FORMER RPT FORMER AMOUNT MARC RICH OR HIS ASSOCIATES. (C).

INFORMATION PROVIDED BY WERNER IN PARA 2 OF REFTEL IS ONLY.

PARTIALLY CORRECT. RICH IS THE SUBJECT OF A LONG STANDING ARREST

WARRANT FOR SECURITIES FRAUD AND TAXATION GUESTIONS. TO AVOID

EXTRADITION, HE RENOUNCED HIS U.S. CITIZENSHIP AT OUR CONSULATE

GENERAL IN ZURICH. RICE HAS SINCE BECOME A SPANISH CITIZEN AND

NOW RESIDES IN ZUG SWITZERLAND. L CONFIRMS THAT FUGITIVE

WARRANTS FOR RICH ARE STILL ACTIVE.

WARRANTS FOR RICH ARE STILL ACTIVE.

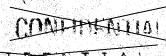
SHOULD CONSULATE GENERAL RECEIVE FURTHER INFORMATION ABOUT
RICH'S WHEREABOUTS OR ACTIVITIES, PLEASE REPORT THEM TO THE
DEPARTMENT BY IMMEDIATE CABLE SUGGED BY L/LEI.

CONSULATE ZURICH IS SENDING THE FOLLOWING MESSAGE TO STATE.

ST. PETERSBURG AND MOSCOW: (U)

"CONSULATE CAN"CONFIRM THAT MONDAY, 30 SEPTEMBER 1991, MARC ()





PAGE THREE DE BER 0002 C ON FIDENTIAL

LUNCHEON. SWISS AMERICAN CHAMBER EXECUTIVE DIRECTOR WALTER
DIGGELMANN CONFIRMED THAT RICH COMES ABOUT ONCE A YEAR TO THESE
LUNCHEONS. DIGGELMANN ADDED THAT RICH HAS SOUGHT ACCEPTABILITY
IN SWITZERLAND SINCE HIS LEGAL PROBLEMS OF SOME YEARS AGO AND
SUBSEQUENT NOTORIETY BY MAKING CHARITABLE DONATIONS AND THROUGH
SOME PUBLIC RELATIONS EFFORTS SUCH AS THESE OCCASIONAL LUNCHEON
APPEARANCES. (U)

RICH'S BUSINESS ADDRESS IN ZUG IS MARC RICH 7 CO AG,
BAARERSTASSE 37, 6304 ZUG; TEL: (042) 22,77 22, FAX;
(042) 21 07 91.

ALSO, FOR INFORMATION FBIHG AND NEW YORK, THE FOLLOWING SHORT ARTICLE APPEARED IN A SWISS BUSINESS MAGAZINE (AUGUST EDITION) CALLEE "POLITIK AND WIRTSCHAFT" (POLITICS AND ECONOMICS). AS TRANSLATED FROM THE GERMAN: (U).

POUR, RICH RICH: IF J. S. LABOR INIONS ASK FOR HIS ASSISTANCE IN ZUG, THE MEDIA REPORTS ABOUT IT — EVEN THOUGH HE DOES NOT HAVE ANYTHING TO DO WITH THE CONCERNED COMPANY, THE RAVENSWOOD ALUMINUM CORPORATION. IF THE "WALL STREET JOURNAL" REPORTS ABOUT HIS COMPANIES SUPPORTING CUBA IN MINING URANIUM,





PAGE FOUR DE BER 0002 C O N F I D E N T I A L

THE NEWS GOES AROUND THE WORLD - EVEN THOUGH THEY DO NOT TELL THE TRUTH. NEVERTHELESS, DENIALS SOUND COCK-AND-BULL IF, ON ONE HAND, THE PERSONAL INVOLVEMENT OF A RICH SUBSIDIARY AND THE RAC IS EVIDENT AND, ON THE OTHER HAND, THE DISCUSSIONS WITH CUBA'S GÖVERNMENT WERE FIRST CONFIRMED AND DEVIED LATER ON. RICH IS UNDOUBTEDLY A SUCCESSFUL MANAGER BUT HE NEEDS ADDITIONAL TRAINING IN PR. (40).

FBIHD AND/OR NYO MAY WISH TO CONTACT STATE DEPARTMENT FOR A COPY OF LENINGRAD/ST. PETERSBURG CABLE 4435 FOR DETAILS OF RICH'S ACTIVITIES IN THE SQUIET UNION. (U)

INVESTIGATION CONTINUING.

ET

#0002

NINN





" SAC, NEW YORK (196A-NY-1774) pm 2/25/92	
From 5A (C-12)	
MARC RICH - Fug (B); PINCUS GREEN-Fug (B); FBW, MF, RICO	
66 b7c	
Chief, Creiminal Division, USA, SDNY, Currently assigned The Rich case advised The following:	b5
Deputy chief explained	
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Memorandum



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To,	SAC,	Newyork	(196A-N	7-1774)P Date	3/2/92
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Subj	ject : M2	arc Rice	1-Fug	(B),		
	PI	NCUS DRI	EEN-Fu	G.(B);		
		w, MF,		_		
		EVASION				
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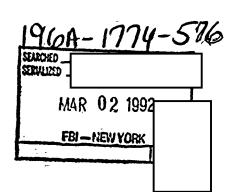
	\mathcal{L}	Deputy chief, Criminal 791-1057 Was	b5 b6 b7C
Division	J. USA. SDNY.	791-1057 Was	
Division	L]		
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ALL INFORMATION CONTAINED

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DATED—2001B

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	Deputy chief advised
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BT		/					
UNCLAS						34	
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, ,	DNOMIC CRIMES	UNIT;•					
SUBJECT:	MARC RICH -	FUG (B);				. 1	
	PINCUS GREEN	1 - FUG (B);		"	meet him	PAR	
	FBW, MF, RIC	CO, INCOME		C	71		
-	TAX EVASION	, TRADING WI	тн		b 5		
	THE ENEMY				b6 b7C		
	.00: NY						
FOR	INFORMATION O	OF THE BUREA	U, ON 2/	1 8 /92,			
DEPUTY CH	HIEF, CRIMINA	L DIVISION,	UNITED S	TATES ATTO	ORNEY'S		
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	Siril?	WE B	
TO SAC, NEW YO	RK(196A-NY-1774	4)p Date 2/1	9/92
From SA	(c,-13	•	•
Subject: Marc Ri	CH - Fug (B)	.s.	•
PINCUS G	REEN - FUG. CB),	-
FBW, MF	, RICO	•	
00: NY			
			b6
en 2/	11/92, SA	N	let with
	. Deputy ch	ef, cris	mial Div.
SDN9, 791-10	15% 70 disc	رمی	
for	a prosecutive	opinion	
Prior t	5 The discuss	sion The	Subject
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been assigned	The case for	- The la	stym
or five years	•		
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TRANSMIT VIA:

☑ Teletype
☐ Facsimile
☐ AIRTEL

FBI

CLASSIFICATION:

TOP SECRET

SECRET

PRECEDENCE:
Immediate
Priority
Routine

	AIRTEL	X Routine	CONFIDENTIAL UNCLAS E F T O UNCLAS	
			Date 2/27/92	
	FM FBI NEW YORK (196)	A-NY-1774) (P) (C	-12)	
	TO DIRECTOR FBI/ROUT	INE/		
	BT.			
	UNCLAS			
	CITE: //3540//			
	PASS: HQ FOR ECONOM	IC CRIMES UNIT.		
	SUBJECT: MARC RICH	·		
	FUGITIVE (B); FBW, M	F, RICO, INCOME T	AX EVASION, TRADING WITH	
	THE ENEMY; OO:NY.			
ar.		AU DATED 2/19/92.		
	1 - NEW YORK			
-	1 - SUPERVISOR C-12			
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^PAGE 2 196A-NY-1774	unclas
ON 2/25/92, DEPUTY C	HIEF, CRIMINAL DIVISION,
UNITED STATES ATTORNEY'S OFFICE, SOUTH	ERN DISTRICT OF NEW
YORK, CURRENTLY ASSIGNED THE CAPTIONED	
FOLLOWING:	
	b5
DEPUTY CHIEF SAID	
	b5 b6
	b7C
	b5
DEPUTY CHIEF SAID SOME SUGG	ESTIONS HAVE BEEN MADE
	b5
	b6 b70

^PAGE 3	196A-NY-1774	· UNCLAS	
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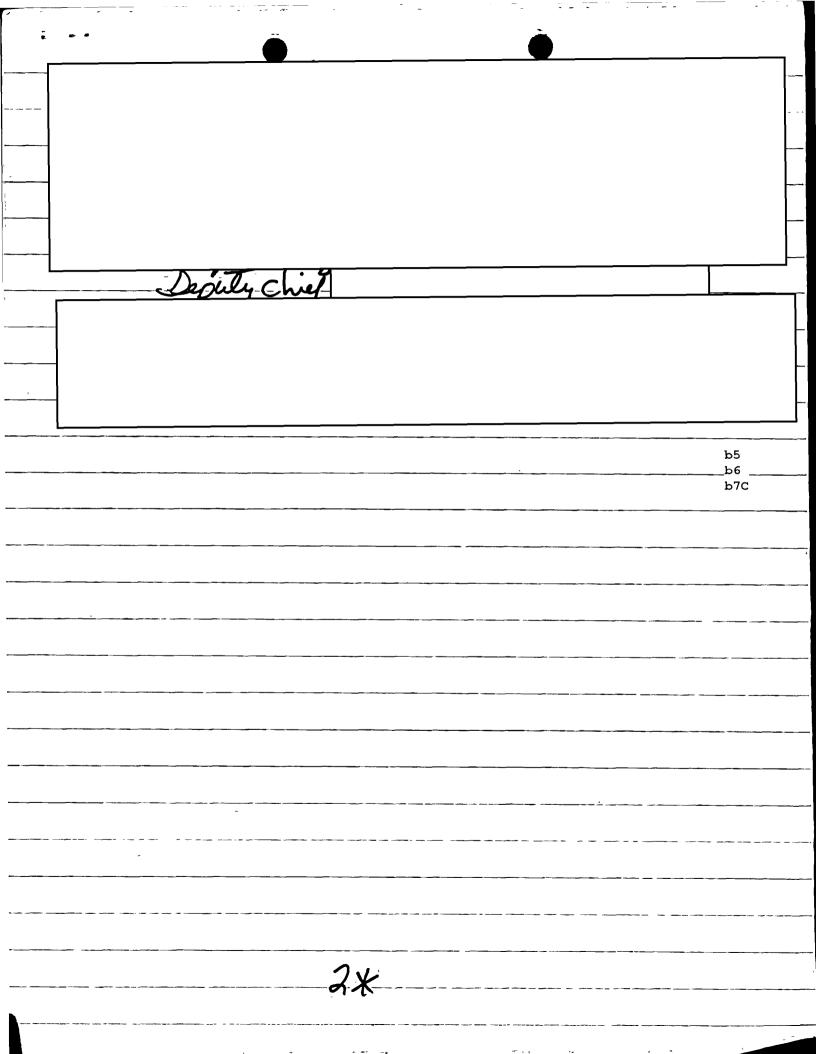
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Memorandum





TO SAC, NEW YORK (196A-NY-1774) p Date 3/2	20/92
From :5A (C-12) b6 b7c	
Subject: MARC RICH - FUG. (B),	
PINCUS GREEN-FUGLB);	
FBW, MF, RICO, INCOME	. •
TAX EVASION, TRADING WITH The ENEMY	_
00: NY	ь6 ь7с
•	
on 3/20/92	Deputy
Chief, USA's OFFice, 50NY, 791-1	7057, b5
On 3/20/92, Chief, USA'S OFFICE, 50NY, 791-1 furnished The following:	b6 b70
	-
	-
Deputy Chief paid	
Deputy chief paid	
Deputy chief paid	24-1774-582.
Deputy Chief Paid 196 A - SEARCH SE	



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FBI

TRANSMIT VIA: IN Teletype ☐ Facsimile ☐ AIRTEL	PRECEDENCE: Immediate Priority Routine	CLASSIFICATION: TOP SECRET SECRET CONFIDENTIAL UNCLAS E F T O UNCLAS	
		Date 5/18/92	
	96A-NY-1774) (P) (C	;-12)	
TO DIRECTOR FBI/RO	UTINE/		
FBI WMFO/ROUTINE/			
LEGAT BERN/ROUTINE	/		
BT ⁱ		•	
UNCLAS.			
CITE: //3540//			
TRADING WITH THE E	AT BERN TELETYPE TO AND WASHINGTON METR	•	
(2)	•	Searched Serialized Indexed Filed	
Approved: Time Received: MRI/JULIAN DATE: \(\square	Original filen	b 6	
FOX DATE & TIME OF	ACCEPTANCE:	2/28 ALL INFORMATION COMPANIES	_
		DATE OF T	

^PAGE 2 196A-NY-1774 UNCLAS (WMFO) TELETYPE TO THE BUREAU DATED MAY 5, 1992.

BASED ON INFORMATION PROVIDED IN REFERENCED WMFO
TELETYPE, RICHARD C. STEINER, FORMER CHIEF OF INTERPOL IN THE
UNITED STATES MADE REFERENCE TO RED NOTICES TOWARDS AND THE
FACT THEY APPARENTLY HAVE NOT BEEN DISSEMINATED TO EVERY
Where
POSSIBLE COUNTRY FOR MARE RICH AND PINCUS GREEN TRAVEL.
STEINER ALSO MENTIONED THE FACT THAT RED NOTICES SHOULD BE
UPDATED PERIODICALLY.

LEGAT BERN MENTIONED IN THE REFERENCED TELETYPE OF DECEMBER 6, 1991 THAT THERE ARE POSSIBLE CONTACTS IN

DECEMBER 6, 1991 THAT THERE ARE POSSIBLE CONTACTS IN	
	ь71
LEADS:	
LEGAT BERN:	
REPORT TO THE NEW YORK OFFICE (NYO) THE STATUS OF	
DEVELOPMENT OF THE	
	b7D

WMFO DIVISION: AT WASHINGTON, D.C.:

WILL CONTACT INTERPOL, WASHINGTON D.C. AND DETERMINE WHAT COUNTRIES HAVE RECEIVED THE RED NOTICES OF RICH AND GREEN.

^PAGE 3 196A-NY-1774 UNCLAS

DETERMINE WHAT IS NECESSARY TO INCREASE THE DISSEMINATION TO ALL MAJOR COUNTRIES WHERE RICH AND GREEN MIGHT TRAVEL.

DETERMINE WHAT IS NECESSARY TO UPDATE THE RED NOTICES SINCE THE NYO CAN FURNISH A MORE CURRENT PHOTOGRAPH OF RICH FOR HIS RED NOTICE.

BT

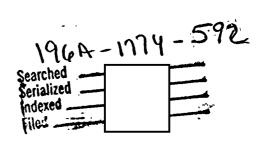
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FM FBI NEW YORK (196	A-NY-1774) (P) (C-12)	
TO DIRECTOR FBI/ROUT	INE/		
BT			
UNCLAS			
CITE: //3540//			
PASS: HQ FOR FUGITI	VE/GOVERNMENT RE	SERVATION CRIME UNIT.	
SUBJECT: MARC RICH	- FUG (B); PINCU	S GREEN - FUG (B); FBW, b6	
MF, RICO, INCOME TAX	EVASION, TRADIN	G WITH THE ENEMY; OO: NY.	
ON MAY 12, 1992	, A MEETING TOOK	PLACE WITH	
DEPUTY CHIEF, CRIMIN	AL DIVISION, US	ATTORNEY'S OFFICE,	7
SOUTHERN DISTRICT OF	NEW YORK, AND H	E ADVISED THE FOLLOWING:	
O-NEW YORK 1-SUPV. C-12	b5 b6		
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^PAGE 2 NY 196A-NY-1774 UNCLAS DEPUTY CHIEF ADVISED	b6 b7C b7D
BT Deputy Chief Further advised	b7E

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b5 b6 b7C

b7E

b6 b7C





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_	SA	(C-12)	b 6		
From :	,51	(0-12)	b 7C		
Subject :	MARC RICH-FU				
	FBW, MF, RIC	-FUGITIVE (B); O, INCOME TAX			
	EVASION, TRA ENEMMY	DING WITH THE			
	(00:NY)				
	ReNYteletype	to Bureau dated 5	3/13/92.		
	MARC RICH an	d PINCUS GREEN wer	e indicted	in the SDNY	
	9/83 in a 51	count indictment c	harging bo	th with the	
		oth fled the U.S. ere they began bui			
compan	nies which dea	lt in commodities	such as oi	l, grains	
		ntinues business t EN has recently re			
		esidence there als			
	RICH reporte	dly supplies and t	rades with	Russia in	
	lities regular	ly. It is alleged	he travels	there from	
		iness, As a result nal arrest warrant			
RICH.	p_ovac				b 5
	AUSA	SDNY, curren	ntľv assign	ed the captioned	b6 b70
case a	.,	,,,,,	. 4,27 ,40,0,2,29.		1 ь7г
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196A-NY-1774

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A previous teletype has been sent to the Bureau and there have been several telephone calls concerning this matter to the Fugitive/ Government Reservation Crimes Unit. Affinal teletype will be sent advising the Bureau on or about 6/8/92.

It is requested that SA be granted authority

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	-	Date 8/5/92	
FM FBI NEW YORK (19		- 12)	
LEGAT BERN/PRIORITY	•		
BT.		_	
UNCLAS		b6	
CITE: //3540//		b7C	
PASS: HQ FOR SSA	FUGITIV	E/GOVERNMENT RESERVATION	
CRIMES UNIT, AND SS	A EC	ONOMIC CRIMES UNIT.	
•		INCUS GREEN - FUGITIVE N; TRADING WITH THE	\neg
ON AUGUST 4, 1	992,	DEPUTY CHIEF, CRIMINAL	\perp
1-NEW YORK			
1-SUPV. C-12	b6 b7С	prection	
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mri/julian date: 🄱	02 (333	isn: MA	
FOX DATE & TIME OF		1-08/ DATES 20-01 B	K.

OF NEW YORK (SDNY), CURRENTLY ASSIGNED THE MARC RICH-PINCUS GREEN CASE, FURNISHED THE FOLLOWING: b5 b6 b7C b7E b5 b6 b7C

UNCLAS

DIVISION, UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT

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^PAGE 3 NY 196A-NY-1774 UNCLAS	
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	^PAGE 6 NY 196A-NY-1774 UNCLAS	
b6 b7c b7E NY WILL CONTINUE EFFORTS TO RICH AND GREEN BUT WILL MAINTAIN CONTACT WITH AUSA IN THE EVENT THE ATTORNEYS b6 b7c		b 5
b6 b7c b7E NY WILL CONTINUE EFFORTS TO RICH AND GREEN BUT WILL MAINTAIN CONTACT WITH AUSA IN THE EVENT THE ATTORNEYS b6 b7c		
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MAINTAIN CONTACT WITH AUSA IN THE EVENT THE ATTORNEYS b6		570
ь7с	NY WILL CONTINUE EFFORTS TO RICH AND GREEN BUT WILL	
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. - Memorandum



TO SAC, NEWYORK (196A.	-M-1774) P Date	6/1/94	
From :SA	(C-12)	ь6 ь7С	
Subject: MARC RICH -	Fug.(B),		
FINCUS GREEN-F	UG.(B).		
FBW, MF, RICO,	INCOME		
TAX EVASION, TRA	Ding WITH		
The ENEMY			
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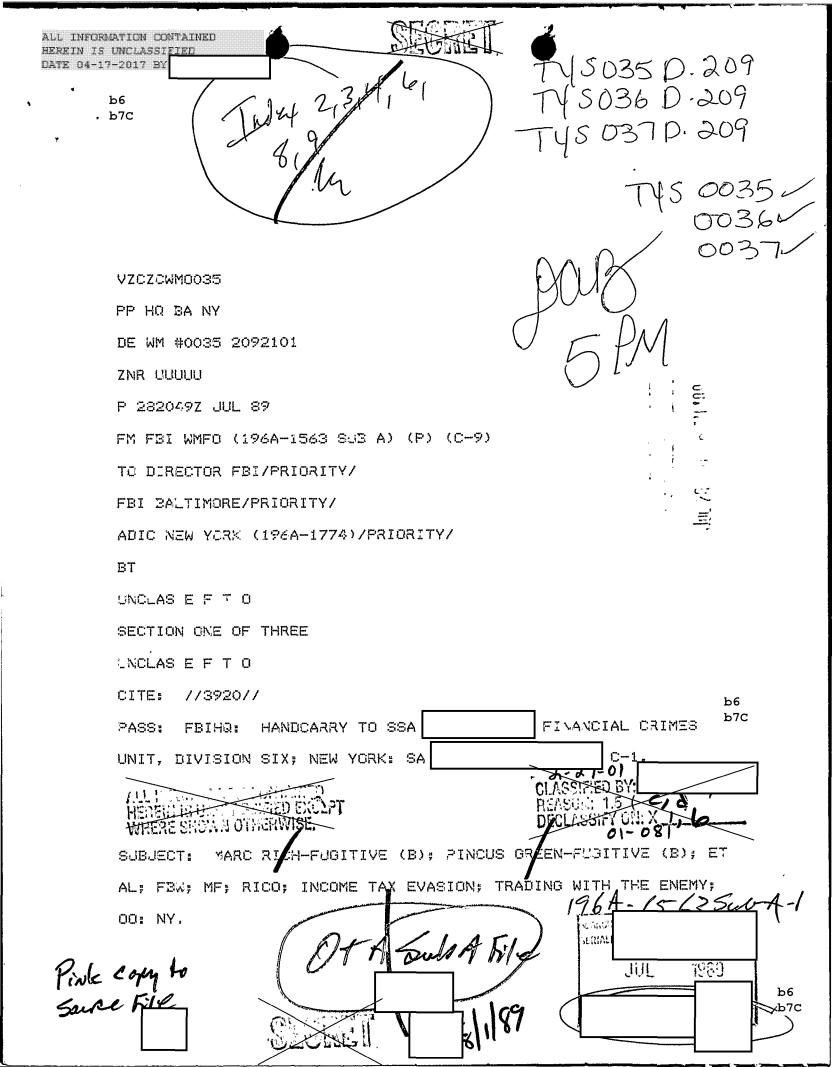
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FBI - NEW YORK





PAGE TWO DE WM 0035 UNCLAS

IN VIEW OF SENSITIVE CONTENTS, HANDCARRY IN SEALED ENVELOPE.

RE WMFO TELCALLS TO NEW YORK, JUNE 28, 1989 THROUGH JULY 27, 1989, AND MEETINGS BETWEEN WMFO AND FBIHG, JULY 21, 1989 AND JULY 27, 1989.

		FOR I	NFOR	MATI	ON OF	REC	EIVIN	3 OFFIC	ES,	SINCE	JUNE	28,	1989,	A
	VERY	RELIA	BLE	AND :	SENSI	TIVE		SOURCE	HAS	BEEN	CONTA	ACTED) ALMO	ST
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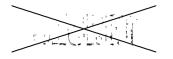


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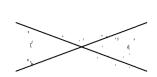
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b7C b7D b7E b7F	
b3 b6 b7C b7D b7E b7F	ON JULY 6, 1989,
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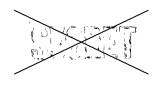




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PAGE SIX LE WM COSS UNCLAS PUBLIC RECORD INFORMATION AVAILABLE TO WMFO AND WMFO FILES b3 b6 CONFIRM b7C b7E PHYSICAL DBSERVATION AND PUBLIC RECORDS CONFIRMED THE b6 b7C MARYLAND DEPARTMENT OF MOTOR VEHICLES (DMV) RECORDS NOTE b6 b7C THAT ET #0035

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PP HQ BA NY

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P 282049Z JUL 89

FM FBI WMFO (196A-1563 SUB A) (P) (C-9)

TO LIRECTOR FBI/PRIORITY/

FBI BALTIMORE/PRIORITY/

ADIC NEW YORK (196A-1774)/PRIGRITY/

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SECTION TWO OF THREE

CITE: //3920//

PASS: FBIHQ: HANDCARRY TO SSA

FINANCIAL CRIMES

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UNIT, DIVISION SIX; NEW YORK: SA

C-1.

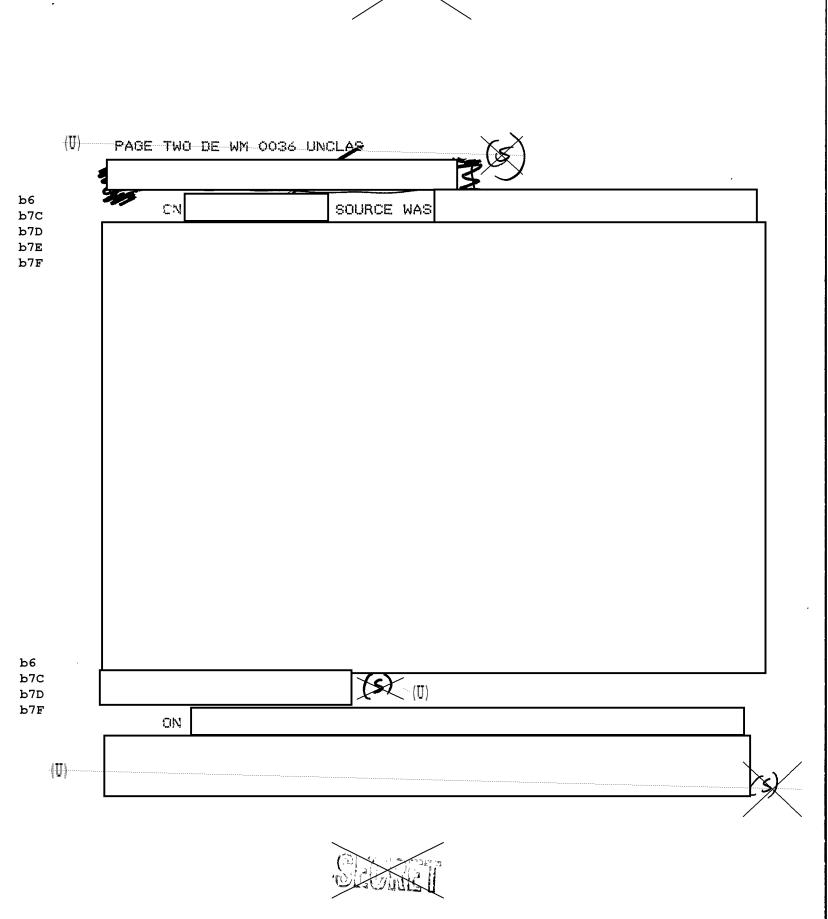
SUBJECT: MARC RICH-FUGITIVE (B); PINCUS GREEN-FLGITIVE (B); ET

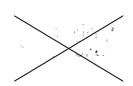
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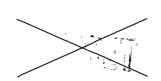


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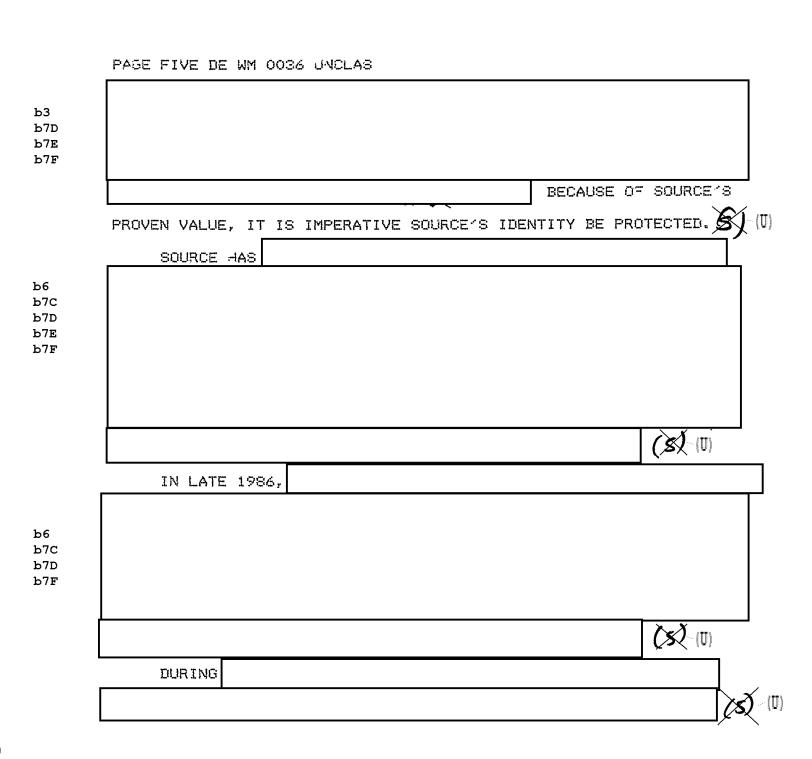
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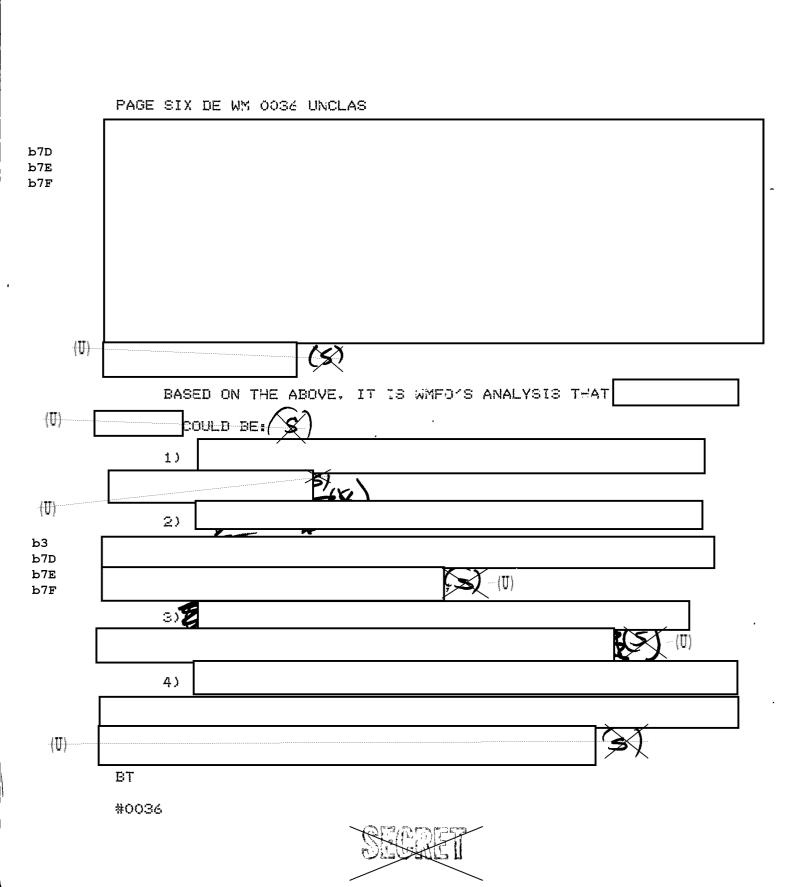


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FM FBI WMFO (196A-1563 SUB A) (P) (C-9)

TO DIRECTOR FBI/PRIGRITY/

FBI BALTIMORE/PRIORITY/

ADIC NEW YORK (196A-1774)/PRIORITY/

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SECTION THREE OF THREE

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FINANCIAL CRIMES

UNIT, DIVISION SIX; NEW YORK: SA

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SUBJECT: MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B); ET AL; FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; OO: NY.

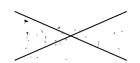
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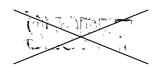
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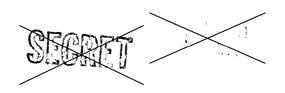
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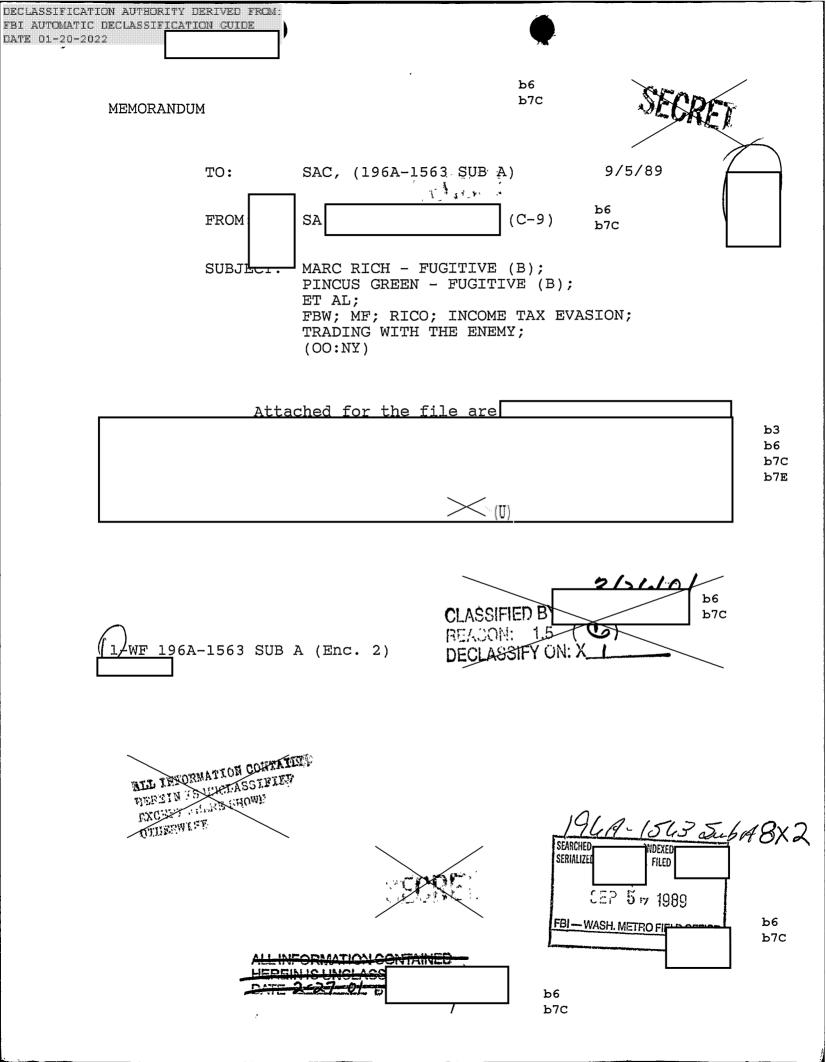


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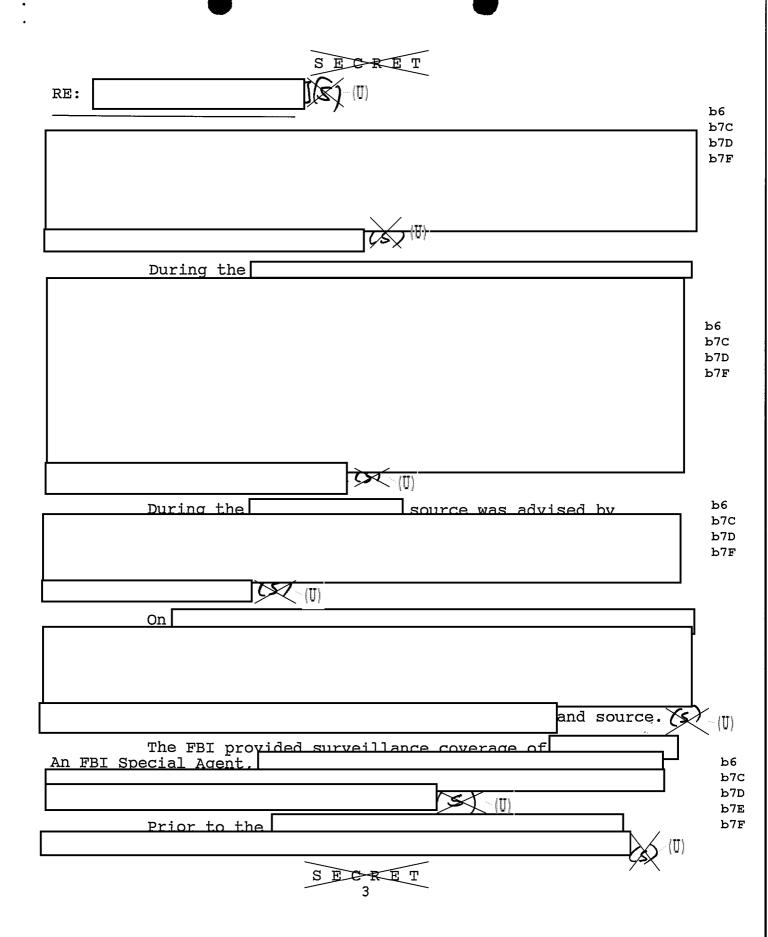
WMFO 196A-1563 SUB A

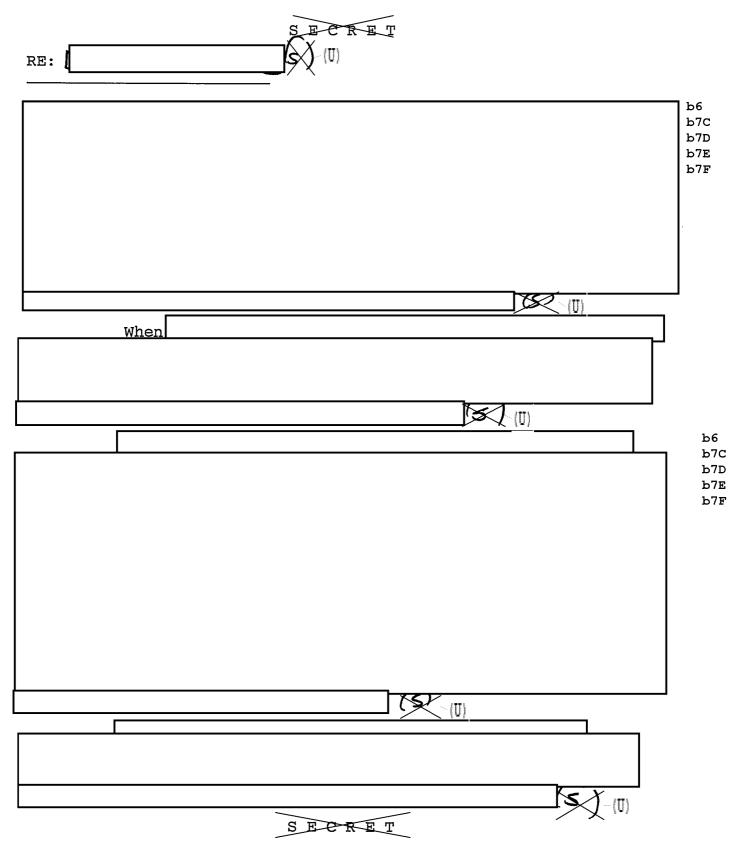
For information of the Bureau the facts and
circumstances relative to
were presented to the District of Columbia U.S. Attorney's Office
on 9/8/89. On 9/12/89, the U.S. Attorney's Office approved
aloging the matter at this time based on the fact that there is
no evidence of a criminal scheme. WMFO is conducting no further
investigation into this matter.
168
ADMINISTRATIVE:
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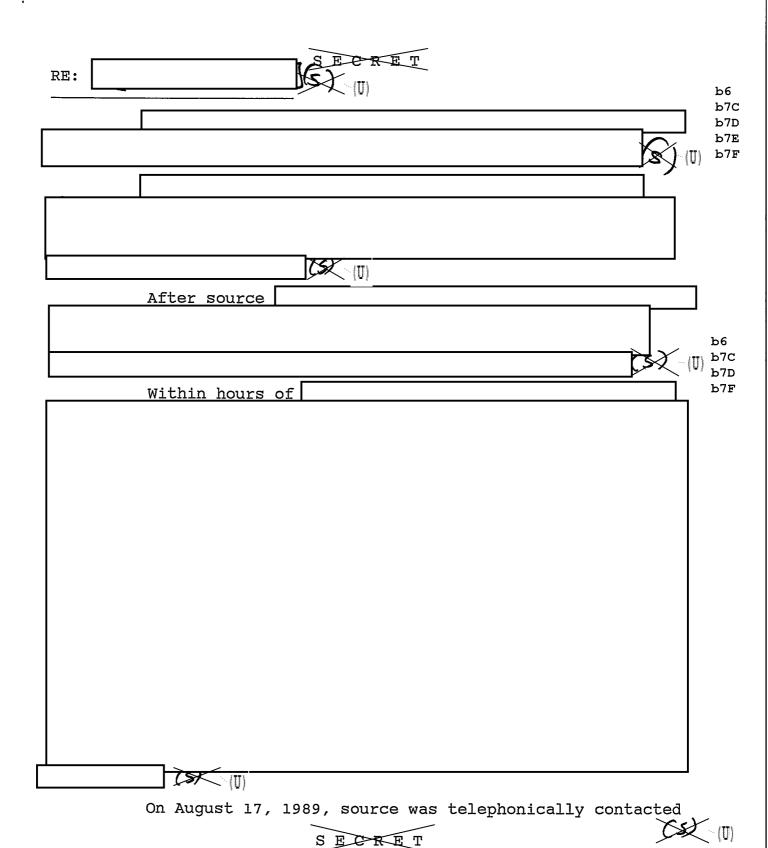
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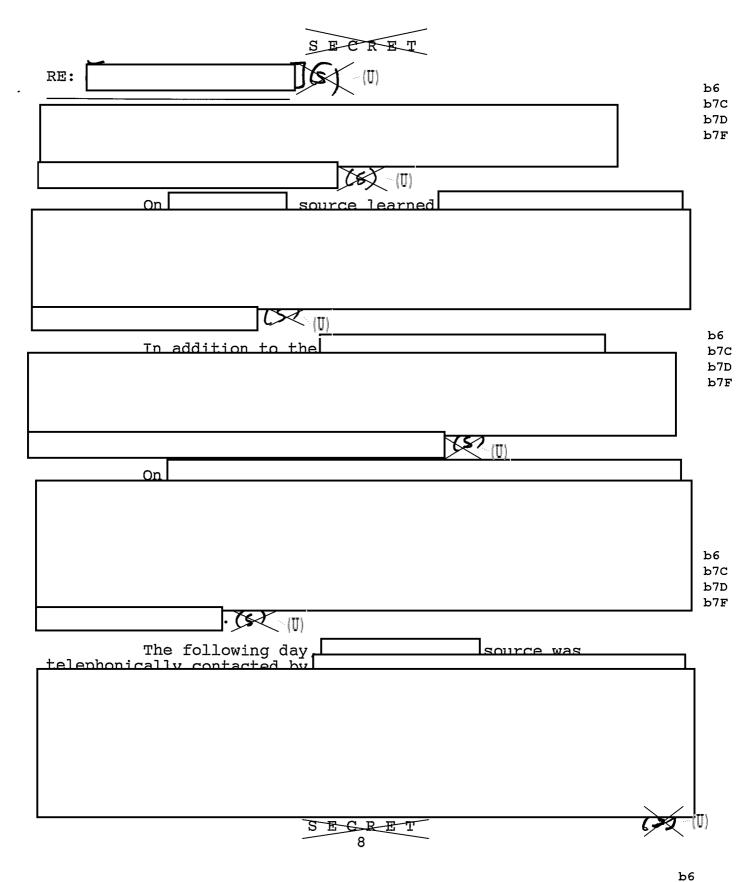




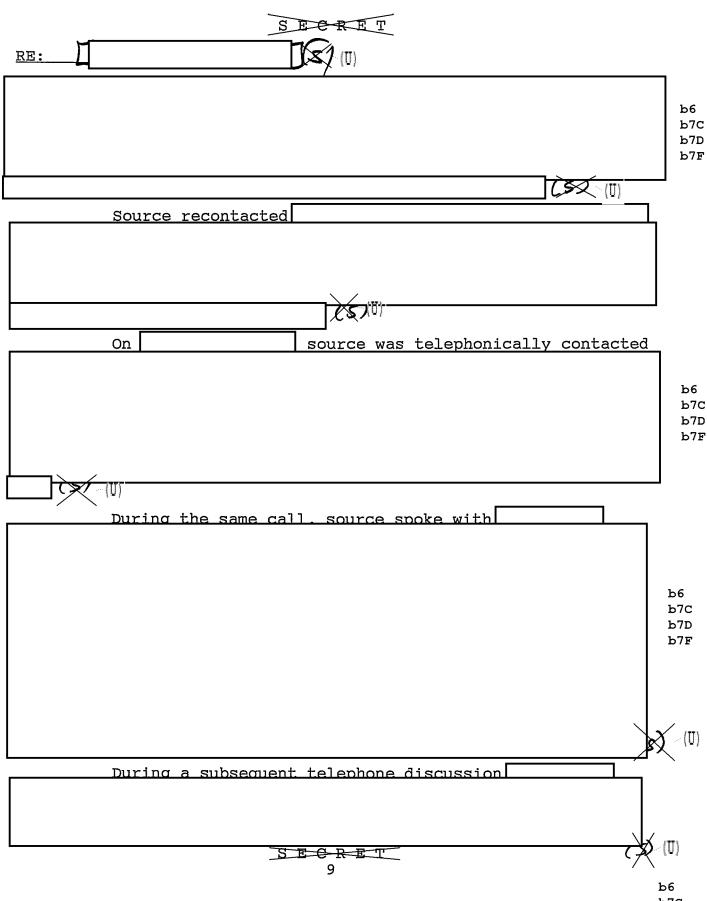


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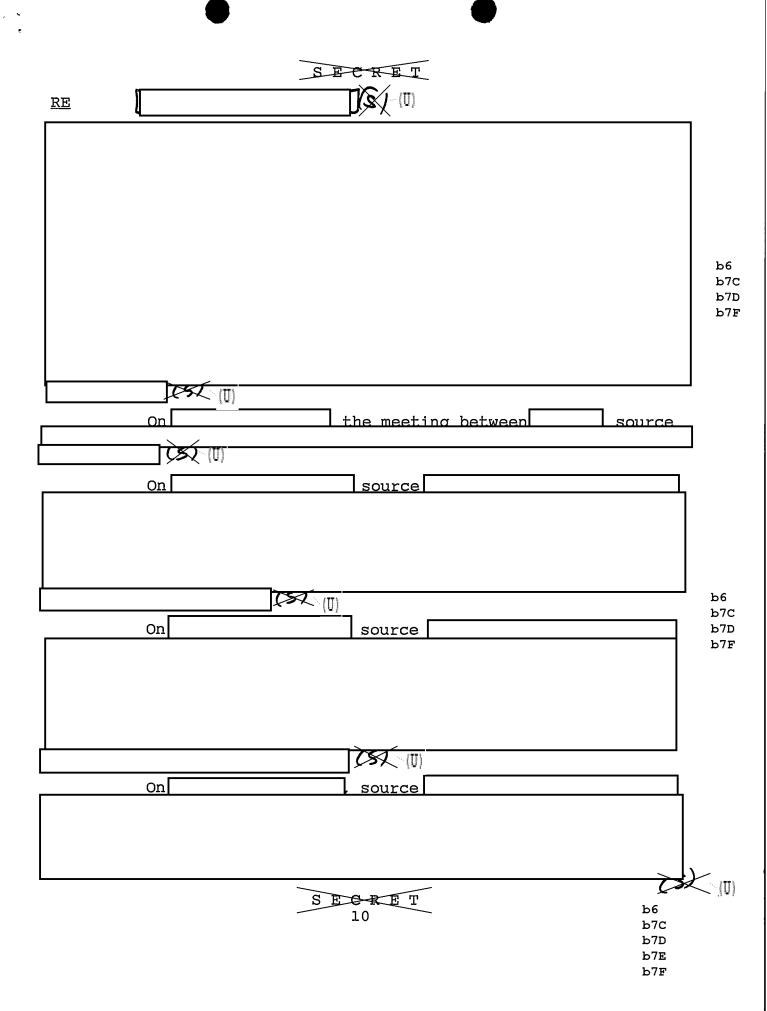
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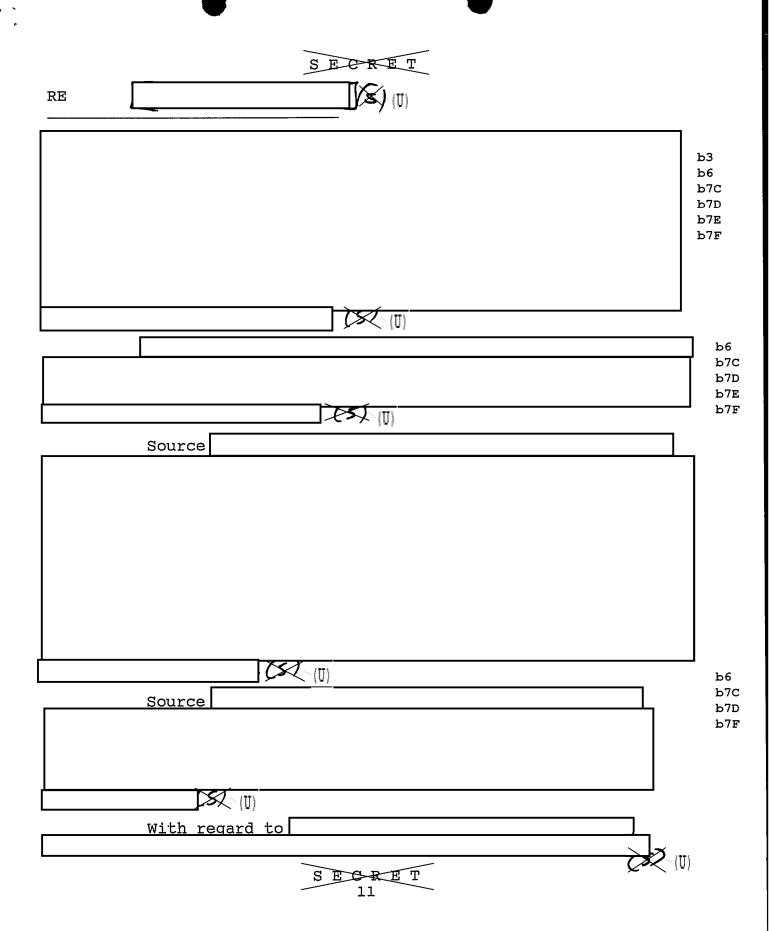


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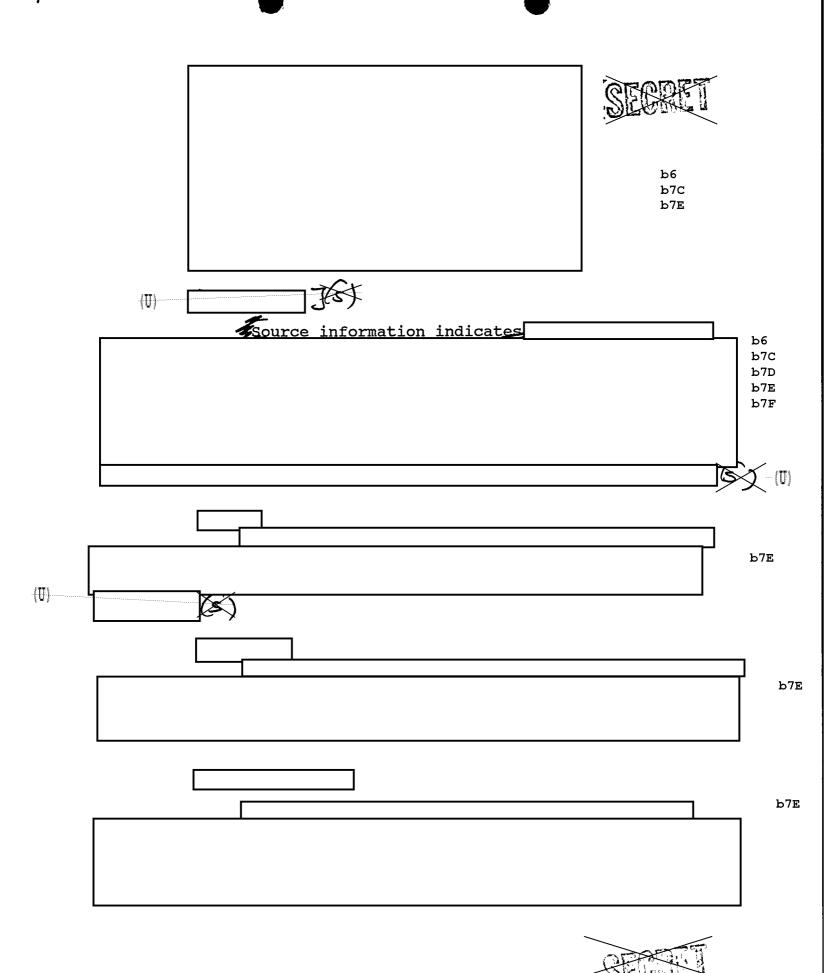
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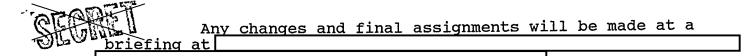




RE SECRET
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b7E
Information provided by
μ ,
(U)
On September 8, 1989, the facts of this matter were discussed with U.S. Attorney for the District of Columbia JAY B. STEPHENS and Chief of the Criminal Division for the District of Columbia U.S. Attorney's Office They advised that prior to rendering an opinion on the matter, they wished to review and discuss it further among themselves.
On September 12, 1989. AUSA contacted WMFO Supervisory Special Agent and advised that at the present time the U.S. Attorney's Office saw no evidence of a criminal scheme. AUSA
1
this, AUSA advised that the U.S. Attorney's Office
approved closing the matter at this time. In view of this, WMFO
will conduct no further investigation into this matter.

SECRET 12*





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ATE 01-20-2022 BY:	



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FROM: SAC, WMFO (196A-1563 SUB Y) (P) (C-9)	
TO: DIRECTOR, FBI (HANDCARRY TO SSA FINANCIAL CRIMES UNIT, DIVISION 6)	
SUBJECT: MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (B); ET AL; FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; (OO:NY)	ь6 ь7с
IN VIEW OF SENSITIVE CONTENTS, HANDCARRY IN SEALED ENVELOPE.	
RE MEETING BETWEEN WMFO SA AND FBIHQ SSA 7/27/89; WMFO TELETYPE TO DIRECTOR, 7/28/89; AND WMFO TELCALL TO FBIHQ, 8/3/89	
PURPOSE: AUTHORITY IS REQUESTED TO MONITOR AND/OR RECORD CONVERSATIONS FOR A PERIOD OF 30 DAYS	
	b3 b6 b7C b7E
DETAILS: IN VIEW OF THE ANTICIPATED INTERCEPTION OF CONVERSATIONS	
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(U)	U.S. ATTORNEY'S OPINION: ON 7/25/89, AUSA CRIMINAL DIVISION, U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA. WAS ADVISED OF THE ABOVE MATTER	b5 b6 b7C b7D b7E b7F
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MEMORANDU	M	SECRET	
	TO:	SAC, (196A-1563 SUB A) 8/15/89	
	FROM:	SA (C-9)	b6 b7С
	SUBJECT:	MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (B); ET AL; FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; (OO:NY)	
SECURITY.		OF SENSITIVE CONTENTS, AFFORD APPROPRIATE	
	On		b3 b6 b7C b7D b7E b7F
provide	WMFO'S Sp	pecial Operations Group (C-12) is requested to	b7D b7E b7F
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DECLASSIFICATION AUTHORITY DEF FBI AUTOMATIC DECLASSIFICATION DATE 01-20-2022 BY:		b6 b7С		
MEMORANDUM	•			
ני	ro:	SAC, (196A-1563 SUR	B A) 10/16/89	
I	FROM:	SA	(C-9)	b6 b7С
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JAY STEPHEN evidence of decision, F would be co	NS, Distri f a crimin FBIHQ inst	ict of Columbia, advantal scheme at the property of the proper	view of USA STEPHENS ther investigation	b5 b6 b7C b7D b7F
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WF 196A-1563 SUB A PAGE TWO

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The above is furnished for information.



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5	PINCUS GREEN - FOR ET AL; FBW; MF; RICO; INTRADING WITH THE OO:NY	NCOME TAX EVASION;				
7 8	This co	ommunication is cl	assified "SECRI	Tr in it	:S**	
9 10 11 12 13	Director, 7/31/89 9/1/89, and 9/12 Director WILLIAM JAY B. STEPHENS & to Ass	O Teletype to Dire 9, 8/4/89, 8/18/89 /89; FBIHQ confere BAKER, WMFO SAC W and others; WMFO t istant Director WI ious telcalls betw 7/28/8	, 8/23/89, 8/28/ ince attended by DOUGLAS GOW, Uselcalls of ASAC LLIAM BAKER, 8/2	/89, 8/30 Assistan J.S. Atto	/89, t rney	ь6 ь7с
14 15 16 17 18	Memorandum (LHM) highest level U.S detailed singular instructions. The events and involved to the highest levels.	ed for New York is NOT SUITABLE FOR S. Government offir source information is information is vement of participevel U.S. Governmention that has becare concerning	DISSEMINATION of cials. The LHM of con prepared pursue necessary to propants for dissemination officials only	ther than contains suant to operly deination Ly. The L	to the FBIHQ scribe HM able	b6 b7C b7D b7F
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WF 196A - 1563 SUB A PAGE TWO

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have an impact on captioned investigation. Information contained	
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According to FBIHQ, other high level government	b7E
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security.	
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Refer any inquiries to WMFO SA	bo b7C
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FD-36 (Rev. 8-29-85)

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MARC RICH - FUG PINCUS GREEN - ET AL;				
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This	communication is cla	ssified " SEC	RHT! in-it	75 7
Director, 7/31/ 9/1/89, and 9/1	FO Teletype to Direc 89, 8/4/89, 8/18/89, 2/89; FBIHQ conferen	8/23/89, 8/28 ce attended by	8/89, 8/30 y Assistan	/89, .t
Director WILLIA JAY B. STEPHENS to As	M BAKER, WMFO SAC W. and others; WMFO te sistant Director WIL	DOUGLAS GOW, lcalls of ASAC LIAM BAKER, 8,	U.S. Atto C /22 throug	orney b6
9/12/89; and va 7/28/89 through	rious telcalls betwe 9/28/89.	en WMFO and Ne	ew York	
Memorandum (LHM	sed for New York is) NOT SUITABLE FOR D	ISSEMINĀTION (other than	
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2-NEW YORK (Enc		sified by G-3	A -	(U)
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Approved:	Transmitted (Nu	b6 b7C mber) (Time)	Pe	2 S 1989 L
SHOWN OTHERWISE.	b6 b7С			

WF 196A - 1563 SUB A PAGE TWO



highest level U.S. Government officials only. The LHM summarizes information provided to by a sensitive and reliable source concerning	b6 b7C b7D b7F
This LHM is provided to New York for the benefit of the New York case agent to document events transpiring in the which will have an impact on captioned investigation. Information contained in the LHM is	b3 b6 b70 b71
According to FBIHO, other high level government officials including have been briefed concerning this matter.	b7E b7E
In view of	
	b6 b7C b7D b7E b7F
(U)	
It is imperative this document receive appropriate security.	
Refer any inquiries to WMFO SA	b6 b7C
ADMINISTRATIVE:	
Source is The information contained in the enclosed LHM is singular in nature and, if disseminated, WILL DISCLOSE SOURCE'S IDENTITY	b3 b6
	b7C b7D b7E
C and E by 6 3. OADR. S E C R T T 2*	b7F

b6 b7C

Memorandum



То :	SAC, WMFO (196A-1563 SUB A) Date	10/3/89
From :	SA (C-8) b6 b70	SECRET
Subject :	MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE (B); ET AL; FBW; MF; INCOME TAX EVASION; TRADING WITH THE ENEMY; 00:NY	The state of the s
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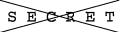
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2			DIVISION	SIX)			
3	FROM :	SAC, WMFO	(WF 196A-1563	SUB A) (P) (C	2-9)		
4	SUBJECT:		- FUGITIVE (B)	· •			
5		PINCUS GRI ETAL;	EEN - FUGITIVE	(B);			
6			RICO; INCOME TA ITH THE ENEMY;	X EVASION;			
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10	entirety.	This commu	unication is cl	assified "SEC	RETT in its	Securia	b5
11	_	Re WMFO A:	irtel and LHM t	o FBIHO. 9/12	2/89.		b 6
12			d Airtel noted				b7C b7D
13		ENS, Distr:	ict of Columbia	, advised his	s office saw		b7F
14	evidence	or a crimin	<u>nal scheme at t</u>	ne present ti	<u>,mei</u>		
15							
16	of USA ST	EPHENS dec	ision, FBIHQ in	structed that	no further	view	ь6
17	investigat	tion be con	nducted in this	matter by WM	AFO.		b7C b7D
18		Although r	<u>no additional i</u>	nvestigation	concerning		b7F
19							j
20	2-Bureau			/(96A-1563	5/0	وايند آد
	(2)WMFO		8 (m) <		1611-1362		
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	On l	source was	contacted		
	The above	is furnished f	for informat	ion.	
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DATE 01-20-202	2 BY:	b6 •b7c		
FD-36 (Rev. 8-29-85)			1
		FBI		
	TRANSMIT VIA: ☐ Teletype ☐ Facsimile ☐ AIRTEL	PRECEDENCE: Immediate Priority Routine	CLASSIFICATION: TOP SECRET SECRET CONFIDENTIAL UNCLAS E F T O UNCLAS	
		SECRET	Date 11/27/89	
1			TO SECTION CHIEF LARRY	POTTS,
2	DIVISIO	JN 6)		
3	FROM : SAC, WM	IFO (196A-1563 SUB	A) (P) (C-9)	
4	MARC RICH - FUGIT			
5	PINCUS GREEN - FU ET AL;	, , ,		
6	TRADING WITH THE	ICOME TAX EVASION; ENEMY;		
7	OO:NY			
8	This co	ommunication is cla	ssified "SECRET" in it	b6
9) Malatina ta Dirag	tor, 7/28/89; Airtels t	b7C
10 11	Director, 8/18/89 and 10/29/89; and	0, 8/23/89, 8/28/89 11/20/89	, 8/30/89, 9/1/89 <u>, 9/1</u> 2	
12		Unit, and WMFO SA		
13	Head Memorandum (LHM) not suitable	and four copies of a Le for dissemination excep fficials. The LHM is be	pt to
14	submitted pursuan	it to FBIHQ request	during referenced telo	all.
15	During the LHM for disse		, it was noted FBIHO re	equested b6
16				b71
17				b7E
18				[[]
19	2-BUREAU (Enc. 5)	_		
20			ed by G-3 b6 b7c	
21	CLASSIFIED BY:	S E C R	fy on OADR ET [9(4-	-15635 who
	DECLASSIFY ON: X	received and described the control of the control o	19 1 A 14	
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WF 196A-1563 SUB A PAGE TWO



	1
	b 3
As noted in previous communications and discussions	b6 b7C
with FBIHO officials concerning	b7D
	b7E b7F
Based upon previous discussions with FBIHQ officials	<u></u>
	b3 b7D
	b7E
	b7F
ADMINISTRATIVE:	
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At the request of	b6 b70
	b7D
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<u> </u>	U
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Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Falls Church, Virginia 22043
November 22, 1989

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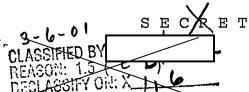
The following is classified "SECRET" in its entirety.

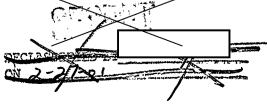
Since June 28, 1989, a very sensitive and reliable confidential source (source) of the FEDERAL BUREAU OF INVESTIGATION (FBI) has been providing information to Special Agents (SAs) of the Washington Metropolitan Field Office (WMFO) concerning

Source advised

In preparation

ALL INFORMATION CONTAINED HEREIN IS UNCERSOFIED EXCEPT WHERE SHOWN OTHERWISE.





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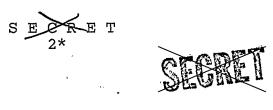
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RE: CRET	
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b6 b7C b7D b7F 1964 - 1563 Sub A - 19

SECTION DE 1000 DE 100

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back of page

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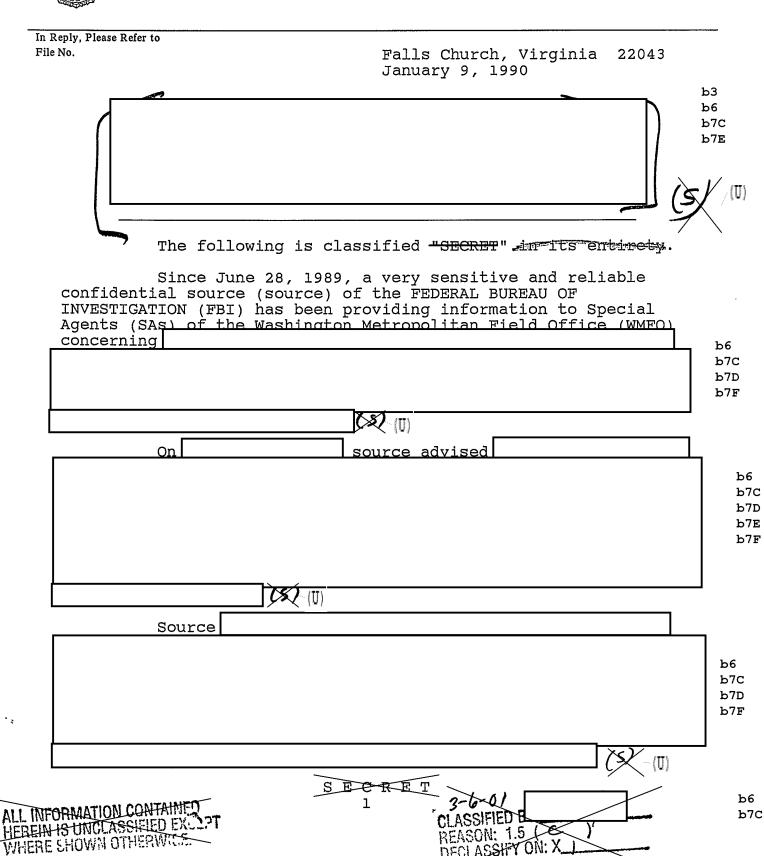
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U.S. Department of Justice



Federal Bureau of Investigation



SECRET

Source	
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b7F

SECRET 2*

	CON AUTHORITY DERIVED FROM: DECLASSIFICATION GUIDE 22 BY:
• FD-36 (b6 Rev. 8-29-85) b7C
	FBI
	TRANSMIT VIA: Teletype
	SECRET Date 1/9/90
1	TO : DIRECTOR, FBI (HAND CARRY TO SECTION CHIEF LARRY POTTS, DIVISION 6)
2	
3	FROM : SAC, WMFO (196A-1563 SUB A) (P) (C-9)
4	MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (B);
5 6	ET AL; FBW; MF; RICO; INCOME TAX EVASION;
7	TRADING WITH THE ENEMY; OO:NY
8	This communication is classified "SECRET" in its entirety.
9	
10	Re WMFO Teletype to Director, 7/28/89; Airtels to Director, 8/18/89, 8/23/89, 8/28/89, 8/30/89, 9/1/89, 9/12/89 and 10/29/89; and 11/27/89.
11	Enclosed are an original and four copies of a Letter
12 13	Head Memorandum (LHM) not suitable for dissemination except to the highest level U.S. Government officials. The LHM is being
14	submitted pursuant to FBIHQ request to be kept apprised of developments.
15	
16	
17	12 Sub A-20
18	2-BUREAU (EDC. 5)
19	2-BUREAU (Enc. 5)
20 `	WMM/ms Classified by Declassify 1: OADR b6
21	CLASSIFIED PM: REASON: 1.5 DECLASSIFY ON: X DECLASSIFY ON: X DECLASSIFY ON: X
. ~	Approved: Per
HEREIN	OPMATION CONTAINC: (Number) (Time) IS UNCLASSIFIED EXCEPT SHOWN OTHERWISE.

WF 196A-1563 SUB A PAGE TWO

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ADMINISTRATIVE:	(U)
Source is	(5)
At the reques	t of
C and E by C-	3. OADR.

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ATE 01-20-2022 BY:	
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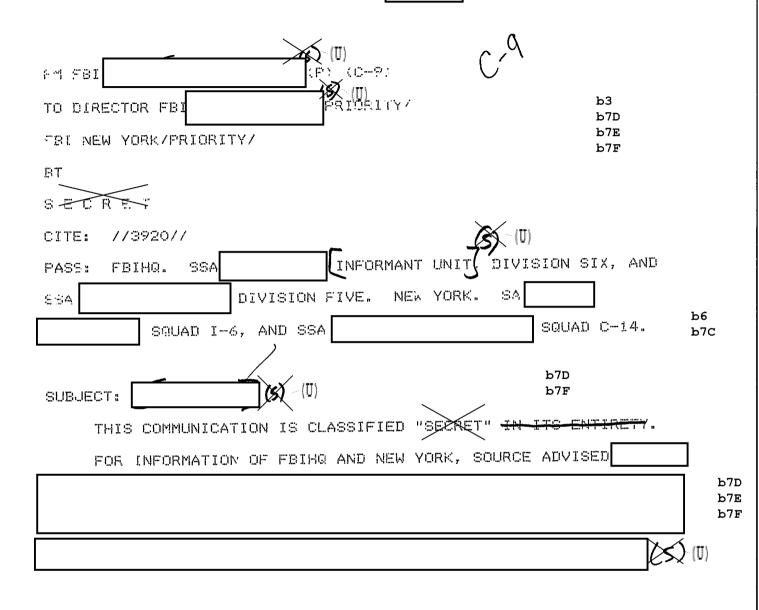


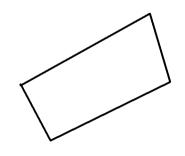
Federal Bureau of Investigation

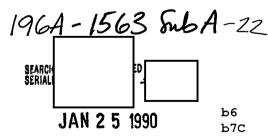
In Reply, Please Refer to File No.	Falls Church, Virginia January 25, 1990	22043
		b3 b6 b7C b7E
The follows	ng is classified "SECRET" in its en	tiret y.
confidential source INVESTIGATION (FBI)	28, 1989, a very sensitive and reli source) of the FEDERAL BUREAU OF as been providing information to Sp ashington Metropolitan Field Office	ecial
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	EASON: 1.5 (SEARCHH	63 Sub A-21
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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCLPT WHERE SHOWN OTHERWISE.

DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 04-17-2017 BY:







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CLASSIFIED B REASON: 1.5 (C) DECLASSIFY ON: X





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			b7D b7E b7F
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SOURCE		 (□)]
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SINCE SOURCE		<u> </u>	X -(U)



^PAGE THREE DE	(SECRET)	ь7D ь7F
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	(T)	

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	TION AUTHORITY DERIVED FROM: DECLASSIFICATION GUIDE 22 BY: b6
FD-36	ь7С (Rev. 8-29-85)
	FBI
	TRANSMIT VIA: Teletype
	SECRET Date 1/25/90
1	TO : DIRECTOR, FBI (HAND CARRY TO SECTION CHIEF LARRY POTTS, DIVISION 6)
3	FROM : SAC, WMFO (196A-1563 SUB A) (P) (C-9)
4 5	MARC RICH - FUGITIVE (B); PINCUS GREEN - FUGITIVE (B); ET AL;
6 7	FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; OO:NY
8 9	This communication is classified "SECRET" in its entirety.
10 11	Re WMFO Teletype to Director, 7/28/89; Airtels to Director, 8/18/89, 8/23/89, 8/28/89, 8/30/89, 9/1/89, 9/12/89 and 10/29/89, 11/27/89 and 1/9/90. b7E
(U) 12 13	Enclosed is one copy of WMFO teletype dated 1/24/90 captioned with which is self explanatory. This teletype is NOT SUITABLE FOR DISSEMINATION.
14 15	Also enclosed are an original and four copies of a Letter Head Memorandum (LHM) not suitable for dissemination except to the highest level U.S. Government officials. The LHM is being submitted pursuant to FBIHQ request to be kept apprised of
16 17	developments. The enclosed WMFO teletype notes that source in b7E captioned matter
⟨Ū⟩ 18 19	2-BUREAU (Enc. 6)
20 21	Classified by G-3 11-194A-1563 Suba Doctossify on: QADR SECRET 1964-1563 Suba Classified by G-3 Doctossify on: QADR SECRET 1964-1563 Suba DFD REASON: 1.5 DFD DECLASSIFY ON: X
HEREINIF	Approved: Transmitted Per

SECRET WF 196A-1563 SUB A PAGE TWO b7D b7E **32** (U) b7F After being advised b6 b7C b7D b7E b7F (I) Source received a subsequent telephone call b7D b7E b7F b7D ADMINISTRATIVE: b7F] **[**[[]] Source is At the request of b6 b7C b7D b7F] (ST (U) In regard to b7D b7E b7F As FBIHQ is aware, b6 b7C b7D b7E b7F

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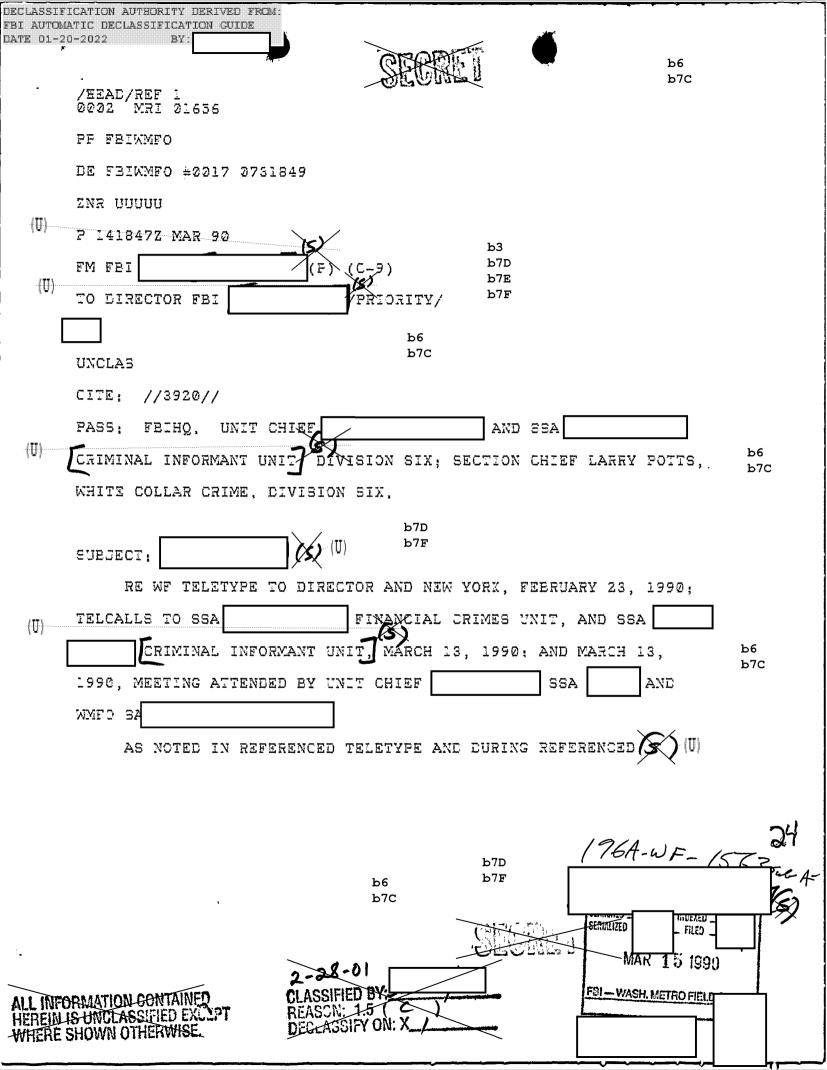
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FBIHQ will be kept apprised of developments.

C and E by G-3. OADR.

SECRET 3*

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TELCALLS AND MEETINGS, CAPTIONED SOURCE	
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FOR THE INFORMATION OF FBIHQ, DURING EVENING OF MARCH 12,	1
1990, CAPTIONED SOURCE ADVISED SOURCE	┺
(1)	
SOURCE ADVISED	_
	b3 b6
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	(U)





PAGE THREE DE FBIWMFO 0017 UNCLAS

		b6 b7
SOURCE ADVISED		
		b6 b7C b7D
		b7E b7F
	(U)	
DURING RECENT TELEPHONE DISCUSSIONS WITH		
		b6 b7 b7 b7
		*/ '}



SEGNET

PAGE FOUR DE FBIWMFO 0017 UNCLAS	
	ь6 ь7С ь7D ь7F
	(U)
المارية Enformation of fbihg, wmfo has an ongoing investigation	
(0)	b6 b7С b7Б
THE ABOVE IS FURNISHED FOR INFORMATION OF EBIHQ.	
WARNING: INFORMATION FROM IS HIGHLY SINGULAR IN	
NATURE AND DISCLOSURE COULD REVEAL SOURCE'S IDENTITY. SOURCE IS	1.0
A HIGH LEVEL INFORMANT	b3 b7D b7E



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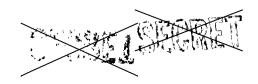


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PAGE FIVE CE FEIWMFO 0017 UNCLAS

<u> </u> #∂017	b6 b7C
#3017	b

b6 b7C



b6 b7C

TRANSMIT VIA: AIRTEL

DATE: 2/12/90

FROM:

CLASSIFICATION:

Director, FBI

TO:

SAC, WMFO (196A-1563 Sub A) (P) (C-9)

MARC RICH-FUGITIVE (B); PINCUS GREEN-FUGITIVE(B), ET AL; FBW; MF; RICO; INCOME TAX EVASION; TRADING WITH THE ENEMY; OO: NEW YORK

This communication is classified "SECRET" in its entirety.

Reference WMFO teletype to Director dated 7/28/89, and airtels to the Director dated 8/18/89, 8/23/89, 8/30/89, 9/1/89, 9/12/89, 10/29/89, 11/27/89, 1/9/90, and 1/25/90.

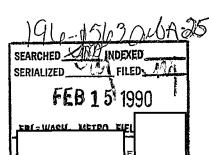
The Letterhead Memorandum (LHM) provided by WMFO with the 1/9/90 airtel was provided to the Counterterrorism Section (CHS), the Department of Justice, as well as the White-Collar Orimes Section (WCCS), as was the information provided in the LHM dated 1/25/90.

WMFO should direct future communications concerning the hostage aspect of this case to the CTS and the information concerning the fugitives, Rich and Green, be provided to the WCCS.

CLASSIFIED BY: G-3 DECLASSIEY ON: OADR

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GENE	RAL IND	ICES:				1
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