

[1/10/79-Not Submitted-DF]

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WASHINGTON

DATE 14 DEC 78 ¹¹² joint memo
w/ ZB - 1/2 pm

FOR ACTION: BOB LIPSHUTZ

ZBIG BRZEZINSKI

~~Bob~~
Gates
w/ ZB 1/2
w/ Aaron

1/10
1st week / then
1/11 - maybe next wk
due to push down
- pm Sat.

INFO ONLY:

SUBJECT: ATTORNEY GENERAL MEMO RE PUERTO RICAN NATIONALISTS

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1200 PM WEDNESDAY 27 DEC 78 +
+++++

ACTION REQUESTED:

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

FOR ACTION
FYI

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND
<input type="checkbox"/>	NO DEADLINE
<input type="checkbox"/>	LAST DAY FOR ACTION

<input type="checkbox"/>	VICE PRESIDENT
<input type="checkbox"/>	JORDAN
<input type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	KRAFT
<input checked="" type="checkbox"/>	LIPSHUTZ (was)
<input type="checkbox"/>	MOORE
<input type="checkbox"/>	POWELL
<input type="checkbox"/>	RAFSHOON
<input type="checkbox"/>	WATSON
<input type="checkbox"/>	WEXLER
<input checked="" type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	MCINTYRE
<input type="checkbox"/>	SCHULTZE
<input type="checkbox"/>	ADAMS
<input type="checkbox"/>	ANDRUS
<input type="checkbox"/>	BELL
<input type="checkbox"/>	BERGLAND
<input type="checkbox"/>	BLUMENTHAL
<input type="checkbox"/>	BROWN
<input type="checkbox"/>	CALIFANO
<input type="checkbox"/>	HARRIS
<input type="checkbox"/>	KREPS
<input type="checkbox"/>	MARSHALL
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VANCE

<input type="checkbox"/>	ARONSON
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	CRUIKSHANK
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HERNANDEZ
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	KAHN
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MARTIN
<input type="checkbox"/>	MILLER
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PETTIGREW
<input type="checkbox"/>	PRESS
<input type="checkbox"/>	SANDERS
<input type="checkbox"/>	WARREN
<input type="checkbox"/>	WEDDINGTON
<input type="checkbox"/>	WISE
<input type="checkbox"/>	VOORDE

<input type="checkbox"/>	ADMIN. CONFIDEN.
<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET
<input type="checkbox"/>	EYES ONLY

staff at Lipschutz request

SUMMARY OF CONGRESSIONAL MAIL TO THE PRESIDENT

DATE: DECEMBER 8, 1978

PAGE: - 1-

FROM ----	SUBJECT -----	DISPOSITION -----	COMMENTS -----
EP. BOBBY GARCIA (D) - NEW YORK	BELIEVE THAT THE PUERTO RICAN NATIONALISTS WHO HAVE BEEN INCARCERATED FOR OVER 20 YEARS SHOULD BE RELEASED; NOTE THAT THEY HAVE SERVED LONGER SENTENCES THAN ANYONE EVER CONVICTED FOR THE SAME OFFENCES, AND THAT, "DESPITE DOCUMENTED INSTANCES WHERE THEIR RIGHTS AS PRISONERS WERE ABROGATED, THEY HAVE CONTINUED THEIR MODEL BEHAVIOR"; URGE YOU, "IN THE NAME OF CHRISTIAN CHARITY AND IN REAFFIRMING OUR COUNTRY'S COMMITMENT TO HUMAN RIGHTS", TO GRANT THE UNCONDITIONAL RELEASE OF THESE PEOPLE.	ACKNOWLEDGED BY FM REFERRED TO BOB LIPSHUTZ CC:CABLE	C /
EP. PARREN MITCHELL (D) - MARYLAND			
EP. JONATHAN BINGHAM (D) - NEW YORK			
EP. JOHN BURTON (D) - CALIFORNIA			
EP. RON DELLUMS (D) - CALIFORNIA			
EP. TED WEISS (D) - NEW YORK			
EP. PETE STARK (D) - CALIFORNIA			
EP. PHIL BURTON (D) - CALIFORNIA			
EP. JOHN CONYERS (D) - MICHIGAN			
EP. GEORGE MILLER (D) - CALIFORNIA			
EP. SHIRLEY CHISHOLM (D) - NEW YORK			
MICKEY LELAND (CONG.-ELECT TX-18)			

To A.G for comment

Electrostatic Copy Made for Preservation Purposes



Office of the Attorney General

Washington, D. C. 20530

December 21, 1978

MEMORANDUM FOR THE PRESIDENT

RE: Puerto Rican Nationalists

I am writing regarding the letter to you signed by Congressman Robert Garcia and eleven other Congressmen urging that you grant the unconditional release of Rafael Cancel Miranda, Irving Flores Rodriguez, Lolita Lebron and Oscar Collazo, the four Puerto Rican Nationalists serving Federal sentences for crimes committed at Blair House in 1950 and the House of Representatives in 1954. As you will recall, you granted a commutation of sentence to time served to another Puerto Rican nationalist, Andres Figuero Cordero, on October 6, 1977, for humanitarian reasons because it was represented by the Bureau of Prisons at that time that he was suffering from terminal cancer and had a life expectancy of not more than eight weeks.

Cordero, Miranda and Rodriguez were convicted in the United States District Court for the District of Columbia of assault with intent to kill and assault with a deadly weapon in the 1954 shooting of five Congressmen on the floor of the House of Representatives. They were sentenced on July 8, 1954 to a total of from twenty-five to seventy-five years' imprisonment. They were also convicted in the United States District Court for the Southern District of New York of conspiracy to overthrow the government and received an additional consecutive sentence of six years' imprisonment on October 26, 1954. For her involvement in the same shooting, Lebron was convicted of assault with a deadly weapon and sentenced to fifty-six years' imprisonment. The fifth Nationalist, Oscar Collazo, was convicted for the murder of a White House guard during an attempted assassination of President Truman in 1950. He is serving a life sentence. He and Lebron have been eligible for parole release for some time but have refused to apply for or participate in any parole proceedings. Miranda and Rodriguez will become eligible for parole release on July 7, 1979 but will probably follow the lead of the others in refusing to apply for parole consideration.

None of the four Puerto Ricans still imprisoned has submitted an application for commutation of sentence as required by the rules governing Executive clemency promulgated by the Attorney General and approved by the President. 28 CFR 1.1 - 1.9. We have been advised that each of these prisoners will accept unconditional clemency if granted but will not apply for it. The apparent ground for their position is that to petition for clemency (as for parole) would be an admission of the authority of the United States over them and a recognition of the sovereignty of the United States in Puerto Rican affairs.

You have, it seems to me, three options. You may require that they file petitions in accordance with the rules as a prerequisite to the consideration of their cases or at least require them to make some affirmative indication that they seek this relief. You may direct the Department to consider clemency for them on the merits of their cases without their seeking relief. Finally, you may grant clemency to them without prior consideration in the Department.

I cannot recommend granting clemency without at least some indication from them that they seek such relief. This would establish a troublesome precedent for the Department inasmuch as we often have requests for relief on behalf of someone else. I do not object to being overruled on a case by case basis if that is your wish. In the case of Cordero you granted clemency without an application and without a favorable recommendation. However, his case is distinguishable since he was thought to be suffering from a terminal illness. This is not the case with respect to the other four Puerto Ricans.

Apart from the foregoing considerations, I suggest that foreign policy consequences and questions relating to the international image of the United States be explored by appropriate officials. In this connection I understand that Amnesty International may list in the near future the four Puerto Rican nationalists as political prisoners and other rights groups have identified the case of the four Puerto Ricans as examples of human rights violations. While I disagree with this characterization, it should be taken into account.

The public activities of Cordero since his release more than 14 months ago indicate what might be expected from the other four nationalists should they be released. Since his release Cordero has been hospitalized intermittently but remains active in his drive for Puerto Rican

independence and freedom for the remaining jailed Nationalists. He was scheduled as the principal speaker at a rally in New York City on March 4, 1978 to commemorate the anniversary of the 1954 shooting of Members of Congress. In June he apparently attended a New York City dinner honoring the outgoing Cuban Representative to the United Nations, Ricardo Alarcon. He received a "special invitation" to attend the 11th World Festival of Youth and Students to be held in Havana, Cuba from July 28 through August 5, 1978. The FBI reports that it was important to the ongoing campaign for the release of the jailed Nationalists that Cordero's visit to Cuba be given international publicity. Cordero also participated in a July rally in Washington to demonstrate for the release of the four. Statements have been attributed to him that he would repeat his attack on Congress if he could. Cordero also expressed last summer his admiration for terrorist bombings in Puerto Rico.

The Department of Justice has no planned action regarding the remaining four Nationalists. As I stated in my memorandum to you dated October 5, 1977 regarding Cordero, it would be bad precedent for the Department to act in this matter without either a formal petition or at least some affirmative request from the Nationalists. Since the only methods of effecting their release would be Executive clemency or parole for those two Nationalists now eligible for such consideration and the Nationalists have steadfastly refused to seek any relief either before the Pardon Attorney or the Parole Commission, their continued incarceration remains inevitable unless you should direct otherwise.

Quinn T. Tamm

Attorney General

I approve the release of these four prisoners except as part of a prisoner exchange or some other foreign policy ground - which, if possible, should be stated.

QTB

ROBERT GARCIA
21st DISTRICT, SOUTH BRONX, NEW YORK

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LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
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DISTRICT OFFICE:
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BRONX, NEW YORK 10451
(212) 860-8200

541 EAST 136TH STREET
BRONX, NEW YORK 10454
(212) 292-4014

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
BANKING, FINANCE AND
URBAN AFFAIRS

POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEES:
CENSUS AND POPULATION
POSTAL PERSONNEL AND
MODERNIZATION
COMPENSATION AND EMPLOYEE
BENEFITS

December 5, 1978

The Honorable Jimmy Carter
President
The White House
Washington, D.C. 20500

Ack. Fm/Lipshutz
CONGRESSIONAL
LIAISON

DEC 8 1978

cc: Cable

Dear Mr. President:

With the enlightened response of the Justice Department to the injustice dealt to the Wilmington 10, we would like to bring to your attention once again the case of the four Puerto Rican Nationalists who have been incarcerated for over twenty years in federal maximum security prisons. Their plight has, unfortunately, attracted the same kind of negative publicity and questions abroad, as well as at home, about our Country's attitude towards the human rights of its citizens.

There are many reasons why we feel that these prisoners should be released, and although we are certain that you are well familiar with the details of the case from the thousands of letters and petitions you have received on their behalf, we feel compelled to stress two of them. First, they have served longer sentences than anyone ever convicted for the same offenses; and, that despite documented instances where their rights as prisoners were abrogated, they have continued their model behavior.

We are aware of the sensitivity of this issue, because they will not petition for a pardon. Nevertheless, we understand that you as President have the power to commute their sentences without their consent as you did in the case of Andres Figueroa Cordero.

With the coming of the Christmas season and the spirit of brotherly love which it brings forth, we feel that it would be most appropriate during this time of the year for you, in the name of Christian charity and in reaffirming our Country's commitment to human rights, to grant the unconditional release of these four Puerto Rican prisoners.

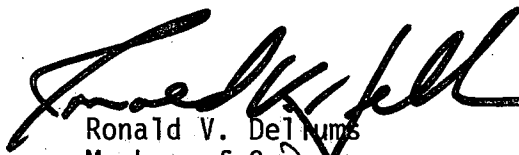
We would be grateful of an opportunity for a group of us to discuss this further with you at your convenience.

Sincerely,

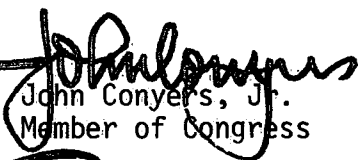
Robert Garcia
Robert Garcia
Member of Congress

Parren J. Mitchell
Parren J. Mitchell
Member of Congress

*SU13
HU02
JU05*



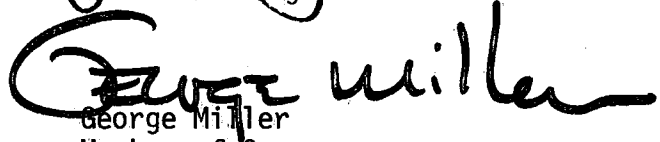
Ronald V. Dellums
Member of Congress



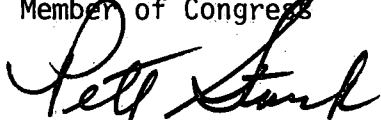
John Conyers, Jr.
Member of Congress



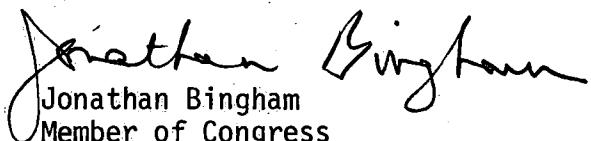
Theodore S. Weiss
Member of Congress



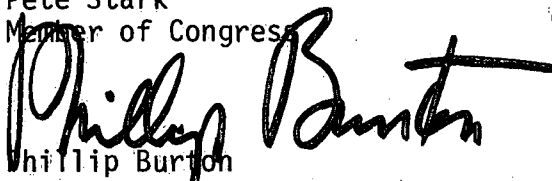
George Miller
Member of Congress



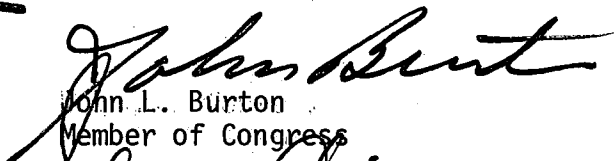
Pete Stark
Member of Congress



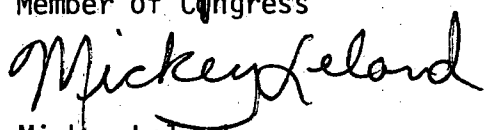
Jonathan Bingham
Member of Congress



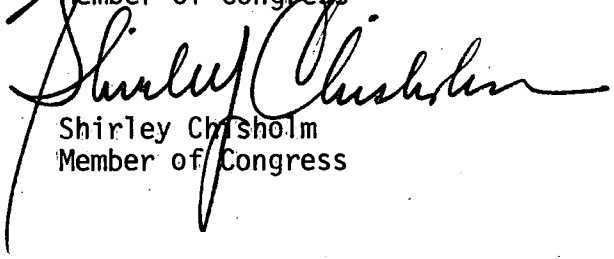
Phillip Burton
Member of Congress



John L. Burton
Member of Congress



Mickey Leland
Congressman Elect
(TX-18)



Shirley Chisholm
Member of Congress