

The original documents are located in Box 3, folder “Clemency - Chestnut, Jack (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 00647

Collection/Series/Folder ID No. : 001900084
Reason for Withdrawal : DR, Donor restriction
Type of Material : DOC, Documents
Description : two folders of material re request for commutation of sentence
Creation Date : 1976
Date Withdrawn : 05/09/1988

*All opened ~~seps~~ except portion Petition
for Commutation of Sentence.
re-reviewed 6/2/04*

THE WHITE HOUSE
WASHINGTON

*Chestnut,
Jack L.*

November 16, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN *P.*

SUBJECT: Request for Commutation of the Sentence
of Jack L. Chestnut

On Saturday, November 6, just before you left for Palm Springs, Jack L. Chestnut, former aide of Senator Hubert Humphrey, who had been convicted for receiving an unreported contribution from Associated Milk Producers to Senator Humphrey's 1970 campaign, sent a letter addressed to you asking for commutation of the four months prison term he was sentenced to serve beginning November 10.

Terry O'Donnell called me immediately and said the letter was being referred to me. On Monday, I managed to locate Chestnut's attorney. I advised him that pursuant to existing Federal regulations, an application for Executive Clemency in the form of a pardon or a commutation of sentence is to be filed on a particular form with the Pardon Attorney in the Department of Justice for processing before it goes to the President. The attorney has now followed the correct procedures and the application is pending at the Department of Justice.

I believe there is nothing further to be done here until we receive a report from the Attorney General.



Tuesday 11/16/76

10:05 Jim Connor brought this package back.
Said they are duplicates, which went
to the West Coast.

You have the action on this matter, and
Terry O'Donnell wanted to get them
back to you.

Jack Chestnut



JACK S. NORDBY
Suite 1530
55 East Fifth Street
Saint Paul, Minnesota 55101
(612) 227-0856
Washington Number 785-8700

November 10, 1976

Philip Buchen, Esquire
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

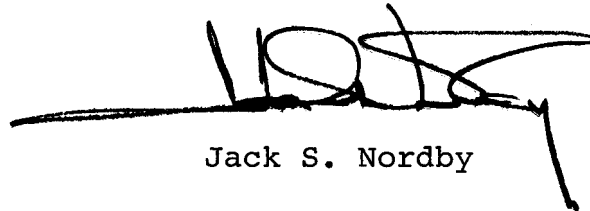
Re: Jack L. Chestnut Commutation

I enclose a copy of the Petition for Commutation of Mr. Chestnut's Sentence which was filed yesterday with the Pardons Attorney, Mr. Traylor, together with the supporting documents.

You will note that the petition is for commutation only and not for pardon. As you know, Mr. Chestnut is to surrender to Eglin Air Force Base, Florida, Federal Prison Camp, by 4:00 p.m. today.

Thank you for your attention and consideration.

Yours truly,



Jack S. Nordby

JSN/ih
Enclosures



PETITION FOR COMMUTATION OF SENTENCE

(Type or Print - This form may be modified for use in applying for remission of fine.)

THE PRESIDENT OF THE UNITED STATES:

PETITIONER, JACK LELAND CHESTNUT
Name: First Middle Last

a Federal prisoner, Reg. No. _____, confined in the Federal Institution at Eglin Air Force Base

Florida in seeking a commutation of sentence, states that he is a citizen of USA

born on 19 June 19 32, and has Social Security No. _____

his address is: 3282 Owasso Hts. Rd., St. Paul, Minnesota 55112

PETITIONER was convicted on a plea of Not Guilty in the United States

District Court for the Southern District of New York at New York

of the crime of causing another to receive a corporate campaign contribution

and was sentenced on June 26, 19 76, to imprisonment for four months

and/or to pay a fine of \$ 5,000.00

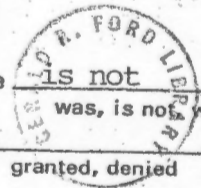
If conviction was appealed, complete the following paragraph:

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on March 8

19 76. An appeal was taken to the Supreme Court. The Supreme Court denied a

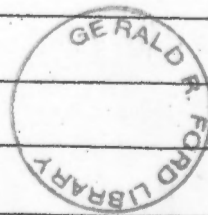
petition for a writ of certiorari on October 4, 19 76. If certiorari was granted, the judgment was affirmed

PETITIONER is to begin the service of his sentence on November 10, 19 76. He is not eligible for parole or about March and his application for parole was granted, denied. He will be released from confinement on February 10, 19 77.



PETITIONER'S criminal record, other than the instant offense, is as follows: (List every arrest by local, State or Federal authorities, whether resulting in a conviction or not, giving date, disposition of case and name and location of court.)

NONE



PETITIONER respectfully prays that he be granted clemency for the following reasons: _____

See Attached Letter



The statements made herein are true to the best of my knowledge and belief.

| | |
|------|-------------------------|
| DATE | SIGNATURE OF PETITIONER |
|------|-------------------------|

If space is insufficient, additional pages may be added. Letters in support of this application may be submitted with petition.

Jack L. Chestnut

SUITE 854 MIDLAND BANK BUILDING
MINNEAPOLIS, MINNESOTA 55401
TELEPHONE 612/333-6513

November 6, 1976.

Dear President Ford,

My name will perhaps be known to you, because of my conviction for receiving a contribution from Associated Milk Producers to Senator Humphrey's 1970 campaign. Having been unsuccessful in my trial and appeals, I must now serve four months in prison, beginning November 10.

I am writing to ask you to exercise your clemency power as President to pardon my offense, or commute my sentence.

You are extremely busy, I know. I'll not impose upon you either to review all the events leading to my conviction or to dwell at length upon the reasons for my request. I should tell you that I am 44 years old, married, and the father of four children: Leslie, age 17, Tracy, 14, Allison, 11, and Martin, 7. I live in Minnesota and am an attorney, presently suspended from practice as a result of my conviction.

It is of some relevance, I believe, that I am apparently the first person ever prosecuted for receiving a corporate contribution, although the law was enacted in 1925. The only other person who has since been prosecuted for receiving is Mr. Maurice Stans. He was convicted of several offenses involving many contributions; he was given probation and a \$5,000 fine. I was convicted on one count involving one contribution; I was sentenced to four months in prison and a \$5,000 fine, which has been paid. The Special Prosecutor's Office has compiled all of the dispositions of contribution-related cases; only two or three sentences of imprisonment were imposed, and those for offenses much more serious than mine. Probation, fines and suspended sentences were imposed in all other cases.



At my sentencing, Judge Edward Weinfeld of the Southern District of New York, acknowledged that but for this conviction my life has been without blemish. He referred to letters and testimony from a number and variety of fine, respected people who were kind enough to so attest. He imposed a prison sentence, he said, not to punish or rehabilitate me, nor to deter me from future misconduct, but to deter others and to impress upon the public the gravity of the campaign contribution law. I do not quarrel with this philosophy, though it is difficult to accept that my family and I alone should bear this heavy penalty for that purpose.

Any mercy you grant us will, I believe, in no way detract from that goal. I write for my family's sake as well as my own. I do not wish to go to prison, of course, though certainly I can endure it if required. But I have watched these past two years the pain that my wife, and particularly my four children, have been forced to endure because of my trouble. I am writing in the hope that you will spare them, and me, the final indignity of imprisonment.

I do not offer excuses, or hold myself out to be better or more deserving than others, but no others of whom I am aware have gone to prison for offenses such as mine. I have been made an example in a widely publicized case, as the judge intended, and I must accept and live with that. I ask only that I be permitted to live these next four months in my own community, so that we may get on with reconstructing our shattered lives as best we can.

I have followed the remedies available to me, without success. Now I appeal to you, in the hope that you may find my case one worthy of exercising your broad powers of clemency.

Thank you, Mr. President, for your kind attention and consideration.

Sincerely yours,

Jack L. Chestnut

Jack L. Chestnut



THE WHITE HOUSE


WASHINGTON

November 9, 1976

I, the undersigned as Attorney for Jack L. Chestnut, acknowledge receipt of the following material which had originally been delivered to the White House:

1. Ltr. to President Ford from Jack L. Chestnut dated November 6, 1976.
2. Ltr. to Philip Buchen, with enclosures, from Patrick J. O'Connor dated November 8, 1976.

Received by:


Jack Nordby

Date:

November 9, 1976

Attachment



*Chestnut,
Jack L.
File*

THE WHITE HOUSE
WASHINGTON

November 9, 1976

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Received by:

Jack Nordby

Date:

November 9, 1976

Attachment



12:30 a.m.
Tuesday,
November 9, 1976

Subj: Jack Chestnut

The entire package was picked up by Jack Nordby. (See copy of letter to President, ltr. to Buchen with list of enclosures.)



Re Jack Chestnut

Monday 11/8/76

11:55 With reference to the call from
Terry O'Donnell ⁵⁻ (involving Jack Chestnut)

We have just had a call from Pat O'Connor
(whose office is at 1747 Pennsylvania Avenue)
and he indicated they had written to the
President, but that they had not included
some backup supporting material with the
letter. He will have it sent here by
special messenger. Office Mgr: Ione Hartl 785-8700

Pat O'Connor is in Florida and can be
reached at his town house (813) 393-~~88~~73
or club house (813) 392-1234



Monday 11/8/76

11:35 Terry O'Donnell called from Palm Springs. He sent you a letter addressed to the President regarding a pardon.

They have been getting several calls on this matter, and will refer all those calls to you.

Jack Chestnut



THE WHITE HOUSE
WASHINGTON

Date 10/6

TO: *Mr. Bucher*
FROM: TERRY O'DONNELL

In our conversation — —



Hyatt-Regency

WILLIAM F. BROOKS, JR.

ATTORNEY AT LAW

CHESTNUT, BROOKS & BURKARD

PROFESSIONAL ASSOCIATION

SUITE 900

MINNEAPOLIS

MIDLAND BANK BUILDING

MINNESOTA 55401

DAVID GARTNER - N/A to HHH -
536-6986

Jack L. Chestnut

SUITE 854 MIDLAND BANK BUILDING

MINNEAPOLIS, MINNESOTA 55401

TELEPHONE 612/333-8513

November 6, 1976.

Dear President Ford,

My name will perhaps be known to you, because of my conviction for receiving a contribution from Associated Milk Producers to Senator Humphrey's 1970 campaign. Having been unsuccessful in my trial and appeals, I must now serve four months in prison, beginning November 10.

I am writing to ask you to exercise your clemency power as President to pardon my offense, or commute my sentence.

You are extremely busy, I know. I'll not impose upon you either to review all the events leading to my conviction or to dwell at length upon the reasons for my request. I should tell you that I am 44 years old, married, and the father of four children: Leslie, age 17, Tracy, 14, Allison, 11, and Martin, 7. I live in Minnesota and am an attorney, presently suspended from practice as a result of my conviction.

It is of some relevance, I believe, that I am apparently the first person ever prosecuted for receiving a corporate contribution, although the law was enacted in 1925. The only other person who has since been prosecuted for receiving is Mr. Maurice Stans. He was convicted of several offenses involving many contributions; he was given probation and a \$5,000 fine. I was convicted on one count involving one contribution; I was sentenced to four months in prison and a \$5,000 fine, which has been paid. The Special Prosecutor's Office has compiled all of the dispositions of contribution-related cases; only two or three sentences of imprisonment were imposed, and those for offenses much more serious than mine. Probation, fines and suspended sentences were imposed in all other cases.

.../2



At my sentencing, Judge Edward Weinfeld of the Southern District of New York, acknowledged that but for this conviction my life has been without blemish. He referred to letters and testimony from a number and variety of fine, respected people who were kind enough to so attest. He imposed a prison sentence, he said, not to punish or rehabilitate me, nor to deter me from future misconduct, but to deter others and to impress upon the public the gravity of the campaign contribution law. I do not quarrel with this philosophy, though it is difficult to accept that my family and I alone should bear this heavy penalty for that purpose.

Any mercy you grant us will, I believe, in no way detract from that goal. I write for my family's sake as well as my own. I do not wish to go to prison, of course, though certainly I can endure it if required. But I have watched these past two years the pain that my wife, and particularly my four children, have been forced to endure because of my trouble. I am writing in the hope that you will spare them, and me, the final indignity of imprisonment.

I do not offer excuses, or hold myself out to be better or more deserving than others, but no others of whom I am aware have gone to prison for offenses such as mine. I have been made an example in a widely publicized case, as the judge intended, and I must accept and live with that. I ask only that I be permitted to live these next four months in my own community, so that we may get on with reconstructing our shattered lives as best we can.

I have followed the remedies available to me, without success. Now I appeal to you, in the hope that you may find my case one worthy of exercising your broad powers of clemency.

Thank you, Mr. President, for your kind attention and consideration.

Sincerely yours,



Jack L. Chestnut



O'CONNOR & HANNAN

ATTORNEYS AT LAW

1747 PENNSYLVANIA AVENUE N.W.
SUITE 600

WASHINGTON, D.C. 20006

(202) 785-8700

TELEX 89-7420

TELECOPIER 202 785-8700 (252)

ANTONIO SAN ROMAN*
ABOGADO

ORENSE 10, SUITE 17J
MADRID 20, SPAIN
(91) 455 4202

JAMES D. MIKE MCKEVITT
DAVID BURLINGAME*
MARTIN M. BERLINER
1710 SECURITY LIFE BLDG.
DENVER, COLORADO 80202
(303) 573-7737

THIRTY-EIGHTH FLOOR, IDS TOWER
MINNEAPOLIS, MINNESOTA 55402
(612) 341-3800

PATRICK J. O'CONNOR
FREDERICK W. THOMAS
JOE A. WALTERS
THOMAS A. KELLER III
MICHAEL E. MCGUIRE*
RICHARD L. POST*
KENNETH B. JONES, JR.*
ROBERT J. CHRISTIANSON*
CHARLES B. FAEGRE*
FRANK J. WALZ*
JOHN W. ROGERS*
DONALD C. WILLEKE
JAMES R. DORSEY*
ANDREW J. SHEA*
DOUGLAS M. MCMILLAN*
CHARLES D. REITE*
WILLIAM R. MCGRANN*
WALTER C. PARKINS*
MICHAEL M. WHALEN*
KENT E. RICHEY*
JOHN J. SOMMERVILLE*
JAMES A. RUBENSTEIN*
NANCY F. FOWLER*
CHARLES T. NIXON*

WILLIAM C. KELLY (1918-197)

*NOT MEMBER OF D.C. BAR

PATRICK J. O'CONNOR
WILLIAM T. HANNAN
JOHN J. FLYNN
H. ROBERT HALPER
JOSEPH E. DILLON
THOMAS H. QUINN
HOWARD G. FELDMAN
DAVID R. MELINCOFF
DELANCEY W. DAVIS
PHILIP R. HOCHBERG
JAMES D. MIKE MCKEVITT
RICHARD G. MORGAN
THOMAS V. VAKERICS
DOUGLAS M. CARNIVAL
TERENCE P. BOYLE
HOPE S. FOSTER
BRIAN P. PHELAN
MICHAEL J. CONLON
MICHAEL PATRICK GEORGE

RALPH F. BERLOW (1923-1972)

OF COUNSEL
JOSEPH F. CASTIELLO
FRED D. THOMPSON

November 8, 1976

Philip Buchen, Esquire
Counsel to the President
The White House
Washington, D. C. 20500

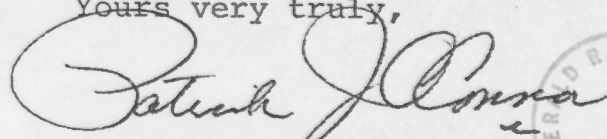
Dear Mr. Buchen:

I talked to Terrence O'Donnell by telephone at 11:30 a.m. EST today in connection with the Jack Chestnut matter. Through inadvertence, Jack's partner, Bill Brooks, did not leave the backup material with Mr. O'Donnell when he delivered the Chestnut letter last Saturday. Enclosed is that material.

Your secretary, Eva Daughtrey, knows how to reach me in the event you require further information. Mr. Brooks will be in Washington on Tuesday and can be reached through our office. If I am not readily available, my partner Thomas Quinn can be reached through our office or at his residence, 686-6633.

Under the Court's Order concerning incarceration, Mr. Chestnut must present himself at the Florida institution before the close of the business day on Wednesday, November 10, 1976.

Yours very truly,



Patrick J. O'Connor



PJO/ih
Enclosures

Jack L. Chestnut

SUITE 854 MIDLAND BANK BUILDING
MINNEAPOLIS, MINNESOTA 55401
TELEPHONE 612/333-6513

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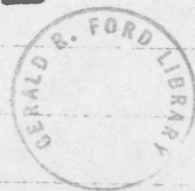
Jack L. Chestnut



Re: Jack L. Chestnut

Enclosed:

1. List of dispositions in other cases
2. Notice of Motion, Motion, Affidavit and Memorandum in support of reduction of sentence (denied by trial court)
3. Order of Minnesota Supreme Court suspending Mr. Chestnut from practice for five months
4. Transcript of Judge's remarks in reducing sentence of Tim M. Babcock
5. Copy of memo to Special Prosecutor Cox indicating non-enforcement policy of long-standing, re 18 U.S.C. Sect. 610 (see p. 2 of memo).
6. Various letters sent to Board of Responsibility in connection with disciplinary action
7. Various letters sent to trial judge and probation office at time of sentencing



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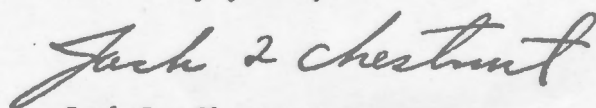
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1. List of dispositions in other cases
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4. Transcript of Judge's remarks in reducing sentence of Tim M. Babcock
5. Copy of memo to Special Prosecutor Cox indicating non-enforcement policy of long-standing, re 18 U.S.C. Sect. 610 (see p. 2 of memo).
6. Various letters sent to Board of Responsibility in connection with disciplinary action
7. Various letters sent to trial judge and probation office at time of sentencing



DISPOSITIONS OF CAMPAIGN CONTRIBUTION
AND RELATED CASES

The following persons and corporations were convicted of misdemeanor violations of 18 USC §610 for making illegal corporate contributions and received the sentences indicated:

| | |
|--|-----------------------------|
| Raymond Abendroth (2 counts) Time Oil Corp. | \$2,000 fine |
| James Allen Northrop Corp. | \$1,000 fine |
| Richard L. Allison Lehigh Valley Co-operative Farmers | \$1,000 fine (suspended) |
| Orin E. Atkins Ashland Petroleum Gabon, Inc. | \$1,000 fine |
| Russell DeYoung Goodyear Tire and Rubber Co. | \$1,000 fine |
| Ray Dubrowin Diamond International Corp. | \$1,000 fine |
| Harry Heltzer Minnesota Mining and Manufacturing Co. | \$500 fine |
| Charles N. Huseman HMS Electric Corp. | \$1,000 fine |
| William W. Keeler Phillips Petroleum Co. | \$1,000 fine |
| Harding L. Lawrence Braniff Airways | \$1,000 fine |
| William Lyles, Sr. (2 counts) LBC&W, Inc. | \$2,000 fine |
| H. Everett Olson Carnation Co. | \$1,000 fine |
| Claude C. Wild, Jr. Gulf Oil Corp. | \$1,000 fine |
| Harry Ratrie Ratrie, Robbins and Schweitzer, Inc. | Suspended sentence |
| Augustus Robbins, III Ratrie, Robbins and Schweitzer, Inc. | Suspended sentence |
| Francis X. Carroll | Suspended sentence |
| Norman Sherman | \$500 fine |
| John Valentine | \$500 fine |
| American Airlines | \$5,000 fine |
| Ashland Oil, Inc. (5 counts) | \$25,000 fine |



| | |
|---|--------------|
| Ashland Petroleum Gabon, Inc. | \$5,000 fine |
| Braniff Airways | \$5,000 fine |
| Carnation Company | \$5,000 fine |
| Diamond International Corp. | \$5,000 fine |
| Goodyear Tire and Rubber Company | \$5,000 fine |
| Greyhound Corp. | \$5,000 fine |
| Gulf Oil Corp. | \$5,000 fine |
| Lehigh Valley Co-operative Farmers | \$5,000 fine |
| Minnesota Mining and Manufacturing Co. | \$3,000 fine |
| National By-Products, Inc. | \$1,000 fine |
| Phillips Petroleum Co. | \$5,000 fine |
| Time Oil Corp. (2 counts) | \$5,000 fine |
| Ratrie, Robbins and Schweitzer, Inc. | \$2,500 fine |

American Ship Building Company
Pleaded guilty August 23, 1974, to one count of conspiracy (18 USC Section 371) and one count of violation of 18 USC Section 610, illegal campaign contribution. Fined \$20,000.

Associated Milk Producers, Inc.
Pleaded guilty to one count of conspiracy (18 USC Section 371) and five counts of violation of 18 USC Section 610, illegal campaign contribution. Fined \$35,000.

Tim M. Babcock
Pleaded guilty to a one-count violation of 2 USC Section 440, making a contribution in the name of another person. Sentenced to one year in prison and fined \$1,000, with all but four months of the prison sentence suspended. Sentence later vacated.

John B. Connally
Indicted on two counts of accepting an illegal payment (18 USC Section 201[g]), one count of conspiracy to commit perjury and obstruct justice (18 USC Section 371) and two counts of making a false statement to a Grand Jury (18 USC Section 1623). Found not guilty on first two counts.

Harry S. Dent, Sr.
Pleaded guilty to a one count violation of the Federal Corrupt Practices Act (2 USC Sections 242 and 252). Sentenced to one month unsupervised probation.

DKI for '74
Pleaded guilty to a violation of 2 USC Sections 434[a] and [b], and 441, failure to report receipt of contributions and failure to report names, addresses, occupations and principal places of business of the persons making such contributions. Suspended sentence.



Jack A. Gleason

Pleaded guilty to a one-count violation of the Federal Corrupt Practices Act, (2 USC Section 252). Suspended sentence.

Armand Hammer

Plead guilty to making a contribution in the name of another. Fined \$3,000 and one years probation.

Jack Jacobsen

Indicted on one count of violation of 18 USC Section 1623, making a false statement to a Grand Jury. Indictment dismissed. Indicted on one count of making an illegal payment to a public official (18 USC Section 201[f]). Pleaded guilty. Sentencing deferred, probation.

Thomas V. Jones

Pleaded guilty to a one-count violation of 18 USC Sections 2 and 611, willfully aiding and abetting a firm to commit violation of statute prohibiting campaign contributions by government contractors. Fined \$5,000.

Herbert W. Kalmbach

Pleaded guilty to a one-count violation of the Federal Corrupt Practices Act, (2 USC Sections 242[a] and 252[b]), and one count of promising federal employment as a reward for political activity and support of a candidate (18 USC Section 600). Sentenced to serve six to eighteen months in prison and fined \$10,000 on the first charge. On the second charge, Kalmbach was sentenced to serve six months in prison, sentence to run concurrent with other sentence. Began term July 1, 1974. Released January 8, 1975. Sentence modified to time served.

John H. Melcher, Jr.

Pleaded guilty to a one-count violation of 18 USC Sections 3 and 610, being an accessory after the fact to an illegal corporate campaign contribution. Fined \$2,500.

George M. Steinbrenner III, Chairman of the Board, American Ship Building Co.

Indicted on one count of conspiracy (18 USC Section 371); five counts of willful violation of 18 USC Section 610, illegal campaign contribution; two counts of aiding and abetting an individual to make a false statement to agents of the FBI (18 USC Sections 2 and 1001), four counts of obstruction of justice (18 USC Section 1503); and two counts of obstruction of a criminal investigation (18 USC Section 1510). Pleaded guilty to the count of the indictment charging a violation of 18 USC Section 610, and an information charging one count of violation of 18 USC Sections 3 and 610, being an accessory after the fact to an illegal campaign contribution. He was fined \$15,000. The remaining counts of the indictment were dismissed.



Marvin Watson

Plead guilty to making a contribution in the name of another. Fined \$500.

Wendell Wyatt

Pleaded guilty to a violation of the reporting provisions of the Federal Election Campaign Act (18 USC Section 2[b] and 2 USC Sections 434[a] and [b] and 441). Fined \$750 on July 18, 1975.

The following corporations entered pleas of guilty to violations of 18 USC Section 611, illegal campaign contributions by government contractor:

| | | |
|----------------|--------------------|--------------|
| LBC&W, Inc. | September 17, 1974 | \$5,000 fine |
| Northrop Corp. | May 1, 1974 | \$5,000 fine |

The following individual and corporation entered pleas of not guilty to an information filed October 19, 1973, charging four counts of misdemeanor non-willful violation of 18 USC Section 610, illegal campaign contribution. Both were acquitted on July 12, 1974, by a U.S. District Court judge in Minneapolis, Minnesota:

Dwayne O. Andreas

Chairman of the Board, First Interoceanic Corp.
First Interoceanic Corp.

The following is the Special Prosecutor's summary of the investigation and prosecutions related to AMPI:

In late July 1973, WSPF's campaign contributions task force began investigating possible illegal activities involving Associated Milk Producers, Inc. (AMPI), the Nation's largest organization of dairy farmers. The office's interest in the matter resulted from press reports and the filing of a civil suit by Ralph Nader alleging that a 1971 Administration decision to raise milk price supports had been influenced by an AMPI commitment of substantial funds to President Nixon's 1972 campaign.

The attorneys assigned to this investigation functioned for most purposes as a separate task force within the office. They began by interviewing AMPI's general manager and other employees, and examining evidence obtained in the Nader suit. Then, having learned from a former AMPI employee of a series of diversions of AMPI funds which evidently had been contributed illegally to various political candidates, they obtained grand jury testimony by AMPI officials Bob Lilly and Robert Isham who, under immunity, provided information concerning four areas of possible criminal conduct



by persons associated with AMPI.

The first of these areas was the allegation that AMPI had concealed a 1969 contribution of \$100,000 to President Nixon's 1972 campaign by using a "dummy" to deliver the funds. Investigation of the 1969 payment resulted in charges against AMPI and Harold Nelson, its former general manager. Nelson's plea of guilty, described more fully below, included admissions that he had made the payment in order to gain "access" to the White House for AMPI and that he had attempted to conceal the ultimate source of the contribution.

On the basis of information they had received, the prosecutors also investigated other political contributions by AMPI. The investigation uncovered evidence of numerous contributions, usually made through conduits to hide the true source of the money. For example, it appeared that AMPI employees, attorneys, or consultants had made contributions in their own names and then, by prior agreement, had been reimbursed by AMPI in the form of "bonuses" or fees. AMPI also disguised political contributions by using corporate funds to pay for services provided to candidates by third parties, and assigning its employees to work in favored campaigns while continuing to be paid by AMPI. The evidence gathered in this part of the investigation led to a number of criminal dispositions:

--On July 24, 1974, David Parr, formerly special counsel to AMPI, pleaded guilty to a felony conspiracy to make corporate contributions. In acknowledging his guilt, he admitted his role in causing AMPI to contribute a total of \$220,000 to eight different candidates in 1968, 1970, and 1972. Parr was fined \$10,000 and sentenced to 2-years imprisonment. All but 4 months of the prison term were suspended.

--AMPI's former general manager Nelson pleaded guilty on July 31, 1974, to felony charges of conspiracy to make corporate contributions and making an illegal payment to a public official. He admitted that he had caused AMPI to make contributions totaling \$330,000 to seven different campaign funds in 1968, 1969, 1970 and 1972, and had approved a payment to another party in 1971, allegedly for the benefit of John Connally, Secretary of the Treasury. Nelson was sentenced to pay a \$10,000 fine and serve a 2-year prison term, with all but 4 months suspended.

--On August 1, 1974, AMPI pleaded guilty to conspiracy to make corporate campaign contributions, and the making of five such contributions totalling \$280,000, and was fined the \$35,000 maximum.



--Norman Sherman and John Valentine, who had operated a computer service and had received \$84,000 from AMPI for services provided to several candidates, each pleaded guilty on August 12, 1974, to misdemeanor charges of aiding and abetting illegal corporate contributions. Each was fined \$500.

--Jack Chestnut, the manager of Hubert Humphrey's 1970 Senate campaign in Minnesota, was indicted on December 23, 1974, for feloniously aiding and abetting a corporate contribution by arranging for AMPI to pay for the services of a New York advertising firm to the Humphrey campaign. At WSPF's request after the indictment, Chestnut's trial was conducted in May 1975 by the U.S. Attorney's office for the Southern District of New York, and resulted in his conviction and a 4-month prison sentence. The \$5,000 fine has been paid. Confinement has been ordered to be commenced November 10, 1976.

--On December 19, 1974, Stuart Russell, an Oklahoma City attorney retained by AMPI, was indicted for conspiracy and two counts of aiding and abetting the making of corporate contributions. The charges were based on evidence of his major role as a conduit for political contributions of AMPI funds. He was convicted in July 1975 on all three felony counts after a trial in San Antonio, Texas, and received a 2-year prison sentence. [Mr. Russell died and his conviction was vacated.]

The third area of investigation involving AMPI concerned events surrounding the Administration's 1971 decision to raise milk price supports and AMPI's commitment of funds for the 1972 campaign, but despite an extensive probe, the prosecutors were unable to obtain sufficient evidence to recommend criminal charges against anyone.

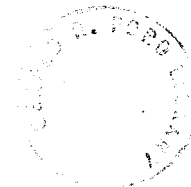
The final area of the investigation of AMPI's activities concerned the allegation that former Treasury Secretary Connally had accepted illegal payments from AMPI following the Administration's 1971 decision to increase milk price support levels. This investigation resulted in the charge against Nelson, described above, to which he pleaded guilty. In addition, Jake Jacobsen, a Texas attorney formerly retained by AMPI, was charged on February 21, 1974, with having made false declarations before the grand jury. This charge was dismissed as technically defective on May 3, but Jacobsen was indicted again on July 29, 1974, for making an illegal payment to a public official. He pleaded guilty on August 7 and is awaiting sentence. Connally was also named as a defendant with Jacobsen in the July 29 indictment.



He was charged with receiving illegal payments on two occasions while he was Secretary of the Treasury, conspiring with Jacobsen to commit perjury and obstruct justice in connection with investigations of those payments, and making false declarations to the grand jury. Prior to trial, the court ruled that the charges of accepting illegal payments should be tried first and separately. Connally was tried on these charges and found not guilty by a jury on April 17, 1975. Because the jury had also heard all the evidence the prosecutors possessed for any future trial on the other charges against Connally, those charges were dismissed on April 18.

Maurice Stans

Pleaded guilty to three counts of violation of the reporting sections of the Federal Election Campaign Act of 1971, 2 USC Sections 434[a] and [b], 441; and two counts of violation of 18 USC Section 610, accepting an illegal campaign contribution. Fined \$5,000.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-vs-

74 Cr. 1191

JACK L. CHESTNUT,

Defendant.

NOTICE OF MOTION

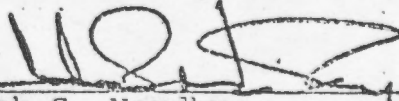
TO: PAUL J. CURRAN, UNITED STATES ATTORNEY, SOUTHERN DISTRICT OF
NEW YORK, 1 ST. ANDREWS PLAZA, NEW YORK, NEW YORK 10007.

TAKE NOTICE, that on the 26th day of October, 1976, at
two o'clock in the afternoon of said day, or as soon thereafter as
counsel can be heard, in the United States Courthouse in the City
of New York and State of New York, defendant will bring the following
Motion before the Honorable Edward Weinfeld:

MOTION TO REDUCE SENTENCE
AND FOR OTHER RELIEF

This Motion is based on the instant Notice of Motion, the
Motion attached hereto and made a part hereof, the records and files
in the above-entitled action, and any and all other matters which may
be presented prior to or at the time of the hearing of said Motion.

Respectfully submitted,



Jack S. Nordby
Douglas W. Thomson
THOMSON, NORDBY & PETERSON
Suite 1530 - 55 East Fifth Street
Saint Paul, Minnesota 55101



John Cochrane
Suite 500 - 360 Wabasha Street
Saint Paul, Minnesota 55102

Counsel for Defendant

Dated: October 14, 1976



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-vs-

74 Cr. 1191

JACK L. CHESTNUT,

Defendant.

MOTION TO REDUCE SENTENCE
AND FOR OTHER RELIEF

The defendant, Jack L. Chestnut, by his attorneys, Douglas W. Thomson, Jack S. Nordby and John Cochrane, respectfully moves the Court pursuant to Rule 35, Federal Rules of Criminal Procedure, for an order reducing the sentence imposed herein and for other relief, and in support thereof alleges as follows:

I. After trial by jury the defendant was sentenced on June 26, 1975, to serve four months incarceration and to pay a fine of \$5,000. The fine has been paid, but the sentence of incarceration has been stayed pending post-trial proceedings.

II. The Court of Appeals affirmed the conviction in United States v. Chestnut, 533 F.2d 40 (2nd Cir. 1976). The mandate was stayed pending certiorari proceedings. The petition for a writ of certiorari was denied by the Supreme Court on October 4, 1976, United States v. Chestnut, No. 75-1779.

III. As the pre-sentence report and supporting letters revealed, Mr. Chestnut is a person of excellent standing in the



community, where he lives with his wife and family, with an otherwise unblemished record.

IV. The defendant was campaign manager for Minnesota Senator Hubert Humphrey, who is running for re-election this year. Because of this there has been widespread publicity regarding Mr. Chestnut's conviction, not only in reportage of the judicial proceedings, but also in the form of commercial political advertisements by Mr. Humphrey's political opponents, which include a picture of Mr. Chestnut and the statement that he has been convicted and is going to jail. These advertisements have been frequently broadcast on Minnesota television stations, causing Mr. Chestnut and his family repeated pain and embarrassment. This aggressive and persistent publicity is an unusual penalty beyond that imposed by the sentence itself and beyond that suffered by defendants in other criminal cases. (The text of these advertisements is set forth in the affidavit filed herewith.)

V. Until 1973, 18 U.S.C. §610 was not vigorously enforced by federal law enforcement officials, (and had never been invoked against recipients, as opposed to donors, of contributions). The Watergate Special Prosecutor recognized this in his Report of October 1975, and added:

While the task force knew that one of its important functions was to reverse such policies and establish precedents for enforcing the campaign



laws, it did not seem fair to initiate such a policy change by imposing on individual defendants the full burden of serious criminal liability. p. 43.

VI. The sentence of four months incarceration is the only sentence of imprisonment given to a convicted recipient of a corporate contribution, according to the Office of the Watergate Special Prosecutor. Mr. Maurice Stans, who appears to be the only other person convicted of such an offense, received a sentence (on two such counts, plus three counts of reporting violations) of a \$5,000 fine. Memorandum attached hereto contains excerpts from the Watergate Special Prosecution Force Report, detailing the status of cases involving campaign contributions, and the affidavit of counsel recites developments in such cases since publication of the aforementioned Report.) Mr. Nelson and Mr. Parr, of Associated Milk Producers, received sentences of four months as well, although as the evidence in the present case showed, they were knowingly responsible for numerous corporate campaign contributions over a period of years totalling many thousands of dollars to a large number of candidates.

Mr. Chestnut is, to the best of our ability to determine, the first individual ever prosecuted under 18 U.S.C. §610 for receiving a corporate contribution, although the prohibition had been in effect since the Federal Corrupt Practices Act of 1925, and there appears to have been a deliberate policy of non-enforcement within the Justice Department until the creation of the Special Prosecutor in 1973.

WHEREFORE, the defendant respectfully submits that it would be fair and just in view of the foregoing circumstances, and upon all the records herein, to reduce the sentence imposed by vacating or

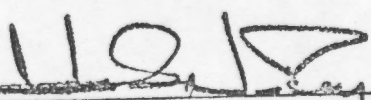


suspending the sentence of incarceration, in whole or in part, and placing the defendant on probation, and the defendant accordingly prays for an order to that effect.

FURTHER, and in the alternative, if the period of incarceration be not wholly vacated or suspended, the defendant asks the Court to recommend that the place of confinement be designated as the Federal Correctional Facility at Eglin Air Force Base, Florida, or the Federal Facility at San Diego, California.

FURTHER, if the sentence of incarceration be not wholly vacated or suspended, the defendant also respectfully moves for an order permitting him to surrender himself at the institution designated for confinement.

Respectfully submitted,



Jack S. Nordby
Douglas W. Thomson
THOMSON, NORDBY & PETERSON
Suite 1530 - 55 East Fifth Street
Saint Paul, Minnesota 55101

John Cochrane
Suite 500 - 360 Wabasha Street
Saint Paul, Minnesota 55102

Counsel for Defendant

Dated: October 14, 1976.



The program shows photographs of Mr. Chestnut and later of others as they are named. The following message is narrated:

This is Jack Chestnut, Hubert Humphrey's former campaign manager. He's on his way to jail for accepting illegal corporate money for Hubert Humphrey's campaigns.

This is Norman Sherman. He has been convicted for aiding and abetting the acceptance of \$82,000 of illegal corporate money for Hubert Humphrey's campaigns.

This is Robert Mahew. He says he handed Hubert Humphrey \$50,000 in illegal cash; a gift from Howard Hughes.

There is only one question in this campaign. Should Minnesota pardon Hubert Humphrey?

Upon information and belief, WCCO television, the Minnesota CBS affiliate, is a commercial television station which during the so-called "prime-time" hours of 7-10 p.m. is watched in some 180,000 homes in Minnesota and surrounding states, reaching an audience of some 326,000 persons, including some 251,000 adults, according to the 1975 Report of the American Research Bureau, 4320 Ammendale Road, Beltsville, Maryland 20705. Mr. Chestnut and his family live in suburban Minneapolis, where they and their friends, acquaintances and associates are exposed to WCCO broadcasts.

IV. Upon information and belief Senator Humphrey is a candidate for re-election to the United States Senate and is opposed by one Gerald Brekke, the Republican candidate, (whose name, however, does not appear in the foregoing political advertisement).

V. He has spoken by telephone with the office of the Watergate Special Prosecutor, Justice Department, Washington, D.C.,



and is informed that since publication of the Watergate Special Prosecution Force Report (October 1975), the following developments have taken place in campaign-related activities under the Special Prosecutor's jurisdiction:

The unsuspended four months of the sentence of one year imprisonment previously imposed upon Mr. Tim Babcock for making a contribution in the name of another was vacated by United States District Judge George L. Hart of the District of Columbia.

The sentence of two years imposed upon Mr. Stuart H. Russell for conspiracy and aiding and abetting violations of 18 USC §610 was vacated after Mr. Russell died.

Mr. Armand Hammer entered a plea of guilty to three counts of making a contribution in the name of another and was placed on probation for one year and fined \$3,000 by Judge Lawrence T. Lydick of the Central District of California.

Mr. William Viglia plead guilty to making false statements to a grand jury and received a sentence of one year imposed by Judge H. Dale Cook of the District of Oklahoma.

Mr. Marvin Watson plead guilty to making a contribution in the name of another and was sentenced to pay a fine of \$500, also by Judge Hart of the District of Columbia.

Your affiant was also informed by the office of the Special Prosecutor that Mr. Chestnut and Mr. Stans were the only individuals



prosecuted for receiving corporate contributions.

Further affiant sayeth not.

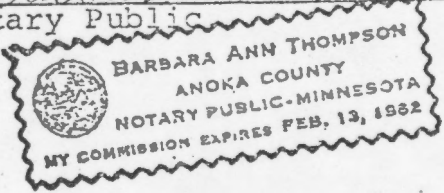
J.S. Nordby

JACK S. NORDBY

Subscribed and sworn to before me
this 21st day of October, 1976.

Barbara Ann Thompson

Notary Public



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-VS-

74 Cr. 1191

JACK L. CHESTNUT,

Defendant.

MEMORANDUM IN SUPPORT OF
MOTION TO REDUCE SENTENCE

The defendant, Jack L. Chestnut, respectfully moves for an order reducing the sentence of four months imprisonment imposed upon him, and submits the following points and authorities in support of that prayer.

I.

Rule 35, Federal Rules of Criminal Procedure, empowers the Court to reduce a lawful sentence within 120 days after entry of an order denying petition for writ of certiorari. Mr. Chestnut's petition was denied on October 4, 1976, and this motion is filed within 120 days of that date.

II.

Such a motion is addressed to the sound discretion of the trial judge, Taylor v. United States, 456 F.2d 1101, 1103 (5th Cir. 1972), and is essentially a plea for mercy rather than an attack on a lawful sentence. United States v. Ellenbogen, 390 F.2d 537, 543 (2nd Cir. 1968).



III.

It is proper and material upon a motion to reduce sentence, for the sentencing Court to take into account unusual circumstances including hardship to the defendant or his family, see for example: United States v. Orlando, 206 F.Supp. 419 (D.C.N.Y. 1962); Irizzary v. United States, 58 F.R.D. 65 (D.C.Mass. 1973); and United States v. Doe, 53 F.R.D. 361 (D.C.N.Y. 1971); and the relative treatment of others convicted of similar offenses, see for example, United States v. Williams, 499 F.2d 52 (1st Cir. 1974); United States v. Braun, 382 F.Supp. 214 (S.D.N.Y. 1974).

IV.

In sentencing Mr. Chestnut, this Court acknowledged that a sentence of confinement was not required either to rehabilitate him or to deter him from future misconduct, but reasoned that "Merely to impose a fine would hardly be adequate to serve notice of the importance of this law to our society and that its enforcement is essential to the integrity of the political process." (Minutes of Sentencing, June 26, 1975). The sentence was widely publicized, as had been the earlier proceedings. But since the sentencing, and particularly in recent weeks, there has been unusual publicity because of the current election campaign, including the paid television announcement broadcast repeatedly in Minnesota, showing Mr. Chestnut's picture and saying in part: "This is Jack Chestnut, Hubert Humphrey's former



campaign manager. He's on his way to jail for accepting illegal corporate money for Hubert Humphrey's campaigns."

We respectfully submit that this extraordinary series of broadcasts, is a unique factor which the Court may properly consider as grounds for reducing the sentence, for two reasons:

First, the pain, embarrassment and humiliation visited upon Mr. Chestnut, his wife and family, by these advertisements, constitute in effect a penalty which the Court could not foresee or contemplate when the sentence was imposed, a penalty moreover unique to this defendant because of the nature of his conviction and the coincidence of the current election in which Mr. Humphrey is a candidate.

Second, these broadcasts have had the incidental effect, also unforeseeable at the time of sentencing, of accomplishing to an uncommon and unprecedented degree what the Court intended to do, that is: to serve notice upon the public of the conviction, in order to inform the public of the law and deter future violations.

A measure of mercy at this point, therefore, will not disserv the Court's goals; on the contrary, we believe that it will underscore and reinforce those purposes even while doing justice in changed circumstances.

V.

Also since the sentencing of Mr. Chestnut, the Report of the Watergate Special Prosecution Force (October 1975) has been



published, and it is therein acknowledged that:

Some of the election laws whose violations the task force uncovered have been unenforced for many years, in some cases because of announced Justice Department non-enforcement policies. While the task force knew that one of its important functions was to reverse such policies and establish precedents for enforcing the campaign laws, it did not seem fair to initiate such a policy change by imposing on individual defendants the full burden of serious criminal liability. (p. 43)

Indeed it appears that only Mr. Chestnut and Mr. Maurice Stans (who plead guilty to three campaign reporting violations as well as two violations of 18 U.S.C. §610 for accepting corporate contributions, and was fined \$5,000 with no jail sentence) have been prosecuted for receiving as opposed to giving unlawful contributions, despite disclosure of numerous corporate contributions which were, of course, received by numerous candidates.

Moreover, the Report reveals that the sentence imposed upon Mr. Chestnut was one of the very few sentences of imprisonment for any campaign law violation (equal, in fact, to the sentences of Messrs. Nelson and Paar of AMPI who, the evidence in the Chestnut trial showed, were guilty of a very large number of violations over a period of years).

The following is a summary of the dispositions of corporate contribution cases as published in the aforementioned Report (pp. 158-162):

Campaign Activities and Related Matters

The following individuals entered pleas of guilty to misdemeanor non-willful violations of 18 USC Section 610, the federal statute prohibiting corporate campaign contributions:



| | | | |
|--|--------------------|-----------------------|---|
| Raymond Abendroth Time Oil Corp. | October 23, 1974 | \$2,000 fine | 1 |
| James Allen Northrop Corp. | May 1, 1974 | \$1,000 fine | 2 |
| Richard L. Allison Lehigh Valley Co-operative Farmers | May 17, 1974 | \$1,000 fine | 2 |
| Orin E. Atkins Ashland Petroleum Gabon, Inc. | November 13, 1973 | \$1,000 fine | 3 |
| Russell DeYoung Goodyear Tire and Rubber Co. | October 17, 1973 | \$1,000 fine | |
| Ray Dubrowin Diamond International Corp. | March 7, 1974 | \$1,000 fine | |
| Harry Heltzer Minnesota Mining and Manufacturing Co. | October 17, 1973 | \$500 fine | |
| Charles N. Huseman HMS Electric Corp. | December 3, 1974 | \$1,000 fine | |
| William W. Keeler Phillips Petroleum Co. | December 4, 1973 | \$1,000 fine | |
| Harding L. Lawrence Braniff Airways | November 13, 1973 | \$1,000 fine | 1 |
| William Lyles, Sr. LBC&W, Inc. | September 17, 1973 | \$2,000 fine | |
| H. Everett Olson Carnation Co. | December 19, 1973 | \$1,000 fine | |
| Claude C. Wild, Jr. Gulf Oil Corp. | November 13, 1973 | \$1,000 fine | |
| Harry Ratrie Ratrie, Robbins and Schweitzer, Inc. | January 28, 1975 | Suspended sentence | |
| Augustus Robbins, III Ratrie, Robbins and Schweitzer, Inc. | January 28, 1975 | Suspended sentence | |

The following individuals entered pleas of guilty to misdemeanor non-willful violations of 18 USC Sections 2 and 610, aiding and abetting an illegal campaign contributions:

| | | |
|--------------------|-----------------|-----------------------|
| Francis X. Carroll | May 28, 1974 | Suspended sentence |
| Norman Sherman | August 12, 1974 | \$500 fine |
| John Valentine | August 12, 1974 | \$500 fine |

The following corporations entered pleas of guilty to violations of 18 U.S.C. Section 610, illegal campaign contributions:



| | | |
|--|-------------------|----------------------------|
| American Airlines | October 17, 1973 | \$5,000 fine |
| Ashland Oil, Inc. | December 30, 1974 | \$25,000 fine ⁴ |
| Ashland Petroleum Gabon, Inc. | November 13, 1973 | \$5,000 fine |
| Braniff Airways | November 12, 1973 | \$5,000 fine |
| Carnation Company | December 19, 1973 | \$5,000 fine |
| Diamond International Corp. | March 7, 1974 | \$5,000 fine |
| Goodyear Tire and Rubber Company | October 17, 1973 | \$5,000 fine |
| Greyhound Corp. | October 8, 1974 | \$5,000 fine |
| Gulf Oil Corp. | November 13, 1973 | \$5,000 fine |
| Lehigh Valley Co-operative Farmers | May 6, 1974 | \$5,000 fine |
| Minnesota Mining and Manufacturing Co. | October 17, 1973 | \$3,000 fine |
| National By-Products, Inc. | June 24, 1974 | \$1,000 fine |
| Phillips Petroleum Co. | December 4, 1973 | \$5,000 fine |
| Time Oil Corp. | October 23, 1974 | \$5,000 fine ⁵ |
| Ratrie, Robbins and Schweitzer, Inc. | January 28, 1975 | \$2,500 fine |

The following corporations entered pleas of guilty to violations of 18 U.S.C. Section 611, illegal campaign contributions by government contractor:

| | | |
|----------------------|--------------------|--------------|
| LBC&W, Inc. | September 17, 1974 | \$5,000 fine |
| Northrop Corporation | May 1, 1974 | \$5,000 fine |

The following individual and corporation entered pleas of not guilty to an information filed October 19, 1973, charging four counts of misdemeanor non-willful violation of 18 U.S.C. Section 610, illegal campaign contribution. Both were acquitted on July 12, 1974, by a U.S. District Court judge in Minneapolis, Minnesota:

Dwayne O. Andreas
 Chairman of the Board, First Interoceanic Corp.
 First Interoceanic Corp.

The following related campaign contribution matters were under the jurisdiction of the Watergate Special Prosecution Force:

American Ship Building Company
 Pleaded guilty August 23, 1974, to one count of conspiracy (18 USC Section 371) and one count of violation of 18 USC Section 610, illegal campaign contribution. Fined \$20,000. Charges were filed April 5, 1974.

Associated Milk Producers, Inc.

Pleaded guilty on August 1, 1974, to one count of conspiracy (18 USC Section 371) and five counts of violation of 18 USC Section 610, illegal campaign contribution. Fined \$35,000.

Tim M. Babcock

Pleaded guilty on December 10, 1974, to an information charging a one-count violation of 2 USC Section 440, making a contribution in the name of another person. Sentenced to one year in prison and fined \$1,000, with all but four months of the prison sentence suspended. Sentence under appeal.

Jack L. Chestnut

Indicted December 23, 1974, on one count of willful violation of 18 USC Section 610, aiding and abetting an illegal campaign contribution. Pleaded not guilty January 6, 1975. Found guilty May 8, 1975, after jury trial by Office of U.S. Attorney for Southern District of New York. Sentenced June 26, 1975, to serve four months in prison and fined \$5,000. Conviction under appeal.

John B. Connally

Indicted on July 29, 1974, on two counts of accepting an illegal payment (18 USC Section 201 [g]), one count of conspiracy to commit perjury and obstruct justice (18 USC Section 371) and two counts of making a false statement to a Grand Jury (18 USC Section 1623). Pleaded not guilty August 9, 1974. Judge severs last three counts for separate trial. Found not guilty on first two counts April 17, 1975. Remaining counts dismissed April 18, 1975, on motion of Special Prosecutor.

Harry S. Dent, Sr.

Pleaded guilty on December 11, 1974, to an information charging a one count violation of the Federal Corrupt Practices Act (2 USC Sections 242 and 252). Sentenced to one month unsupervised probation.

DKI for '74

Pleaded guilty on December 13, 1974, to an information charging a violation of 2 USC Sections 434[a] and [b], and 441, failure to report receipt of contributions and failure to report names, addresses, occupations and principal places of business of the persons making such contributions. Suspended sentence.

Jack A. Gleason

Pleaded guilty on November 15, 1974, to an information charging a one-count violation of the Federal Corrupt Practices Act, (2 USC Section 252). Suspended sentence.

Jack Jacobsen

Indicted on February 21, 1974, on one count of violation of 18 USC Section 1623, making a false statement to a Grand Jury. Indictment dismissed by Chief Judge George L. Hart May 3, 1974. Indicted July 29, 1974, on one



count of making an illegal payment to a public official (18 USC Section 201[f]). Pleaded guilty August 7, 1974. Sentencing deferred.

Thomas V. Jones

Pleaded guilty on May 1, 1974, to an information charging a one-count violation of 18 USC Sections 2 and 611, willfully aiding and abetting a firm to commit violation of statute prohibiting campaign contributions by government contractors. Fined \$5,000.

Herbert W. Kalmbach

Pleaded guilty on February 25, 1974, to a one-count violation of the Federal Corrupt Practices Act, (2 USC Sections 242[a] and 252[b]), and one count of promising federal employment as a reward for political activity and support of a candidate (18 USC Section 600). Sentenced to serve six to eighteen months in prison and fined \$10,000 on the first charge. On the second charge, Kalmbach was sentenced to serve six months in prison, sentence to run concurrent with other sentence. Began term July 1, 1974. Released January 8, 1975. Sentence modified to time served.

John H. Melcher, Jr.

Pleaded guilty April 11, 1974, to an information charging a one-count violation of 18 USC Sections 3 and 610, being an accessory after the fact to an illegal corporate campaign contribution. Fined \$2,500.

Harold S. Nelson, former general mgr., Associated Milk Producers, Inc. Pleaded guilty on July 31, 1974, to a one-count information charging conspiracy to violate 18 USC Section 201 [f], (illegal payment to government official), and 18 USC Section 610, (illegal campaign contribution) 18 USC Section 371. Sentenced November 1, 1974, to serve four months in prison and fined \$10,000. Term began November 8, 1974, Released February 21, 1975.

David L. Parr, former special counsel, Associated Milk Producers, Inc. Pleaded guilty on July 23, 1974, to a one-count information charging conspiracy to violate 18 USC Section 610, illegal campaign contribution. Sentenced November 1, 1974, to serve four months in prison and fined \$10,000. Term began November 8, 1974. Released February 21, 1975.

Stuart H. Russell

Indicted December 19, 1974, on one count of conspiracy to violate 18 USC Section 610, illegal campaign contribution (18 USC Section 371), two counts of aiding and abetting a willful violation of 18 USC Section 610, illegal campaign contribution (18 USC Sections 2 and 610). Pleaded not guilty. Found guilty in San Antonio, Texas, July 11, 1975. Sentenced in August 1975, to a prison term of two years. Conviction under appeal.



Maurice Stans

Pleaded guilty March 12, 1975, to three counts of violation of the reporting sections of the Federal Election Campaign Act of 1971, 2 USC Sections 434[a] and [b], 441; and two counts of violation of 18 USC Section 610, accepting an illegal campaign contribution. Fined \$5,000 on May 14, 1975.

George M. Steinbrenner III, Chairman of the Board, American Ship Building Co.

Indicted April 5, 1974, on one count of conspiracy (18 USC Section 371); five counts of willful violation of 18 USC Section 610, illegal campaign contribution; two counts of aiding and abetting an individual to make a false statement to agents of the FBI (18 USC Sections 2 and 1001), four counts of obstruction of justice (18 USC Section 1503); and two counts of obstruction of a criminal investigation (18 USC Section 1510). Pleaded not guilty April 19, 1974.

On August 23, 1974, Steinbrenner pleaded guilty to the count of the indictment charging a violation of 18 USC Section 610, and an information charging one count of violation of 18 USC Sections 3 and 610, being an accessory after the fact to an illegal campaign contribution. He was fined \$15,000 on August 30, 1974. The remaining counts of the indictment were dismissed.

Wendell Wyatt

Pleaded guilty on June 11, 1975, to a one-count information charging violation of the reporting provisions of the Federal Election Campaign Act (18 USC Section 2[b] and 2 USC Sections 434[a] and [b] and 441). Fined \$750 on July 18, 1975.

- 1
Charged with two counts.
- 2
Fine suspended.
- 3
Pleaded no contest to charges.
- 4
Charged with five counts.
- 5
Charged with two counts.

Moreover, undersigned counsel has been informed by the office of the Watergate Special Prosecutor that, since publication of that Report: Mr. Tim Babcock's sentence of four months imprisonment was



vacated by Judge Hart; Mr. Stuart Russell's entire sentence was vacated after Mr. Russell died; Mr. Armand Hammer plead guilty to making a contribution in the name of another (three counts) and received a fine of \$3,000 and one year's probation; Mr. Marvin Watson plead guilty to a similar offense and received a fine of \$500; and Mr. William Viglia plead guilty to making false statements to a grand jury and received a one year sentence.

We respectfully submit that although the sentence of four months was well within the maximum prescribed by law, this Court may properly review the severity of that sentence vis a vis those imposed for other similar and frequently much more aggravated conduct, and from that comparison conclude that a reduction of Mr. Chestnut's sentence is in the interests of justice and fundamental fairness.


Conclusion

For these reasons, Mr. Chestnut respectfully submits that the new facts, unavailable at the time of sentencing, which are material to the concerns voiced by the Court as grounds for the sentence of four months incarceration, justify a modification of that sentence to the extent of suspending the sentence and placing



him on probation, or such other relief as the Court finds fair and appropriate.

Respectfully submitted,



Jack S. Nordby
Douglas W. Thomson
THOMSON, NORDBY & PETERSON
Suite 1530 - 55 East Fifth Street
Saint Paul, Minnesota 55101

John Cochrane
Suite 500 - 360 Wabasha Street
Saint Paul, Minnesota 55102

Counsel for Defendant

Dated: October 14, 1976



Memorandum

TO : Archibald Cox
Special Prosecutor

DATE: September 6, 1973

FROM : Thomas F. McBride
Associate Special Prosecutor

SUBJECT: 18 U.S.C. Section 610 Prosecutive Policies and
Prosecutive Memoranda

The purpose of this memorandum is to recommend policies and criteria to guide the use of our discretion in prosecuting individuals and corporations responsible for illegal corporate contributions in violation of 18 U.S.C. Section 610. It does not address prosecutive policy with respect to recipients of corporate contributions.

Section 610 makes it unlawful for:

1) a corporation or a labor organization to make a "contribution or expenditure in connection with" any Presidential or Congressional election, including primaries or other nominating processes; 2) a candidate, political committee, or other person to accept or receive such a contribution or expenditure. The statute explicitly provides for prosecution and punishment of both the corporate or labor body and its officers or directors. The maximum punishment for a non-willful violation by a corporation or labor organization is a \$5,000 fine. The maximum punishment for a non-willful violation by a corporate or labor organization officer or by a person who accepts or receives such a contribution is a \$1,000 fine or one year, or both (misdemeanor). A willful violation is a felony punishable by a \$10,000 fine or two years or both. Section 610 does not explicitly require scienter, except for felony prosecutions. (Copy of statute attached.)

I. Prosecutive Policy

In each Section 610 case, the following prosecutive options are available:

Ex. A



1. whether or not to prosecute;
2. whether to prosecute only the corporation, the corporation and the one primarily responsible officer, or the corporation and all officers who consented;
3. whether to charge the corporation or the officer(s) or both with a non-willful misdemeanor violation of the statute, or to charge the corporation or the officer(s) or both with a willful felony violation of the statute;
4. whether or not to object to a plea of nolo contendere by the corporation or the officer(s) or both;
5. whether to bring to the sentencing court's attention factors that heighten the gravity of the offense, bring to the sentencing court's attention mitigating circumstances, or make no statement to the sentencing court;
6. whether to permit the defendant(s) to choose venue (usually his home district) or to file the information or indictment in the District of Columbia and object to any change of venue.

General Considerations

The Department of Justice has not vigorously enforced Section 610 until very recently. The Department proceeded against labor unions in most of these prosecutions. In the labor union cases, the Department has prosecuted union officials as well as the union. See, e.g., United States v. CIO, 335 U.S. 106 (1948); United States v. Pipefitters, 407 U.S. 415 (1972) (union officials indicted for conspiracy to violate Section 610). The Department has prosecuted a corporate officer or director in only one very recently filed case, United States v. Andec Corporation. Andec is also the only case where it has prosecuted the recipient of a corporate or union contribution. Finally, we can discover no Department policy governing prosecutorial policy in cases of voluntary disclosure, no doubt because such occasions are unprecedented.



Several important law enforcement policy considerations argue in favor of a firm prosecutive approach to Section 610 cases. The statute, if vigorously enforced, can serve as an effective tool in preventing campaign abuses, in particular, the corrosive influence of large sums of corporate or union money on campaigns, candidates, and office-holders. The Department's past history of virtual non-enforcement has invited widespread violation of the statute. The threat or imposition of individual liability provides the only realistic deterrent to violation of this statute, for the corporate penalties are relatively insignificant. Furthermore, there is a perceptible public demand for enforcement of laws against "white collar" crime, and of Section 610 in particular, which would be frustrated by failure to proceed against responsible corporate individuals in an area of high public visibility. Finally, as a matter of fairness, it would be inequitable to penalize only the corporation's shareholders. Therefore, it is recommended that as a matter of general policy, in all cases which we decide to prosecute, we should charge the responsible corporate executive, absent compelling mitigating circumstances.

This general policy would not violate the Special Prosecutor's policy of mitigation in cases of "early and voluntary" disclosure, since this policy can fairly be fulfilled by exercising the broad opportunities for prosecutorial discretion discussed above. Although imposition of personal liability may deter further voluntary disclosures, the disparate nature of the treatment of volunteers and non-volunteers will remain as an incentive to disclosure, and in any event, at this stage the field of potential volunteers has been substantially diminished.

Specific Recommendations

1. It is recommended that in all cases, we charge the corporation with at least a one-count misdemeanor violation, absent compelling mitigating circumstances. In each case, we should object to a plea of nolo contendere by the corporation. This posture will foster the law enforcement policies outlined above.
2. As already noted, it is recommended that in all instances in which the primarily responsible corporate officer was aware of the operative facts (i.e. that it was a political contribution and that the contribution came from corporate funds), that the officer be charged along with the corporation



with a violation of 18 U.S.C. 610.

3. It is recommended that in cases of corporate officers who have voluntarily disclosed and been charged, we object to the entry of a plea of nolo contendere except in a few cases of very "early" disclosure, and in those cases, only if no aggravating circumstances militate against accepting a plea of nolo contendere.

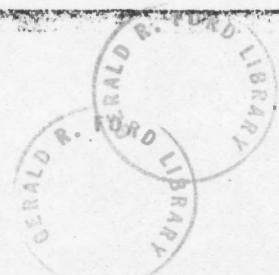
4. It is recommended that corporate officers, other than the individual primarily responsible, not be charged unless such other officer played a significant role in the decision to make the contribution, rather than acting in a nominee, messenger or other ministerial capacity at the direction of his superiors.

5. With respect to the misdemeanor/felony option, it is recommended that:

A. In instances of voluntary disclosure, the individual corporate officer(s) not be charged with the felony violation of 18 U.S.C. 610 unless (a) the contribution was made with the clear intention or understanding of influencing some federal governmental action, or (b) the "voluntary disclosure" turns out, as the investigation develops, to be substantially less than a full and truthful disclosure

"Voluntary" should be defined as disclosure to this office of the fact of an illegal corporate contribution, without the corporation or its officers first being contacted by this office, or by a federal agency (F.B.I. or I.R.S.) acting at the direction or request of this office.

B. In instances where the illegal corporate contribution was not voluntarily disclosed, we should in addition to charging the corporation, charge the primarily responsible corporate officer and perhaps other consenting officers with a felony violation of 18 U.S.C. 610 where all or some of the following factors are present to a significant degree, unless the officer's cooperation with the Prosecutor, after commencement of the investigation in connection with this offense and other matters before the Prosecutor, militates in favor of mitigation:



a. Acts of concealment. Examples: Use of unrecorded corporate cash, use of names of false nominee donors, efforts to fabricate a story when faced with the probability of an investigation.

b. Presence or absence of "pressure" exerted by the persons soliciting the contribution.

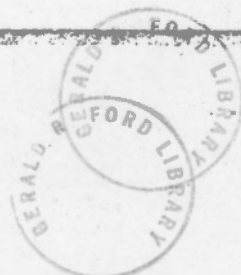
c. Evidence of specific intent to influence federal governmental action, as opposed to simply being in the general "good graces" of the candidate and his party.

d. Whether any tax consequence adverse to the interest of the United States Government resulted.

e. Past history of making illegal corporate political contributions.

6. It is recommended that in the case of corporate officers who have voluntarily disclosed and been charged with a Section 610 violation, that the Special Prosecutor call to the attention of the court the voluntary nature of that disclosure and represent to the court that that fact could properly be considered as a mitigating circumstance in the court's sentencing considerations.

It is recommended that in the case of the non-voluntarily disclosed corporate contribution, no recommendations be made as to sentence of the individual corporate officer unless the individual has been asked to and has refused to cooperate in connection with the Section 610 matter or other matters under investigation by this office, in which case those circumstances might be called to the attention of the court for consideration in connection with sentencing.



514
ember 6, 1973

SUMMARY

Prosecution

Misdemeanor
Against Corp

Misdemeanor
Against Corp
and Officer

Felony Against
Corp and Officer

Acceptance of Nolo
Contendere Plea
by Officer

voluntary
disclosure

a) voluntary
disclosure

a) voluntary
disclosure

a) voluntary dis-
closure, but
officers have not
fully cooperated
or improper in-
fluence implica-
tions ;

a) voluntary dis-
closure

AND

AND

AND

AND

compelling
mitigating
circumstances

b) officer
lacked know-
ledge of opera-
tive facts

b) officer had
knowledge of
operative facts

b) non-voluntary
disclosure case
without compelling
mitigating circum-
stances

b) very early
disclosure

AND

AND

c) officers have
fully cooperated
with prosecutor

c) full cooperation

AND

d) no improper
influence impli-
cations



STATE OF MINNESOTA

IN SUPREME COURT

47239

SUPREME COURT
FILED

NOV 22 1976

JOHN McCARTHY
CLERK

In the Matter of the Application
for the Discipline of JACK L. CHESTNUT,
an Attorney at Law of the State of
Minnesota.

ORDER FOR SUSPENSION

The above entitled matter is before the Court on the petition of the Administrative Director on Professional Conduct, Lawyers Professional Responsibility Board, for the discipline of Jack L. Chestnut, an attorney at law, admitted to practice in the State of Minnesota.

It appearing to the Court that on June 30, 1975 the respondent Chestnut was convicted in the United States District Court of unlawfully causing Lennin & Newell, Inc. to accept and receive a corporate campaign contribution; and

It appearing that the offense is a felony in violation of the federal law for which respondent has been sentenced to four months imprisonment and fined the sum of \$5,000; and

It appearing that except for this conviction respondent has conducted himself honestly and faithfully in the practice of the law and that there is no evidence of any other unprofessional conduct on his part; and

It appearing that the Lawyers Professional Responsibility Board has recommended to the Court that respondent be suspended from the practice of law for a period of five months from the date hereof; and

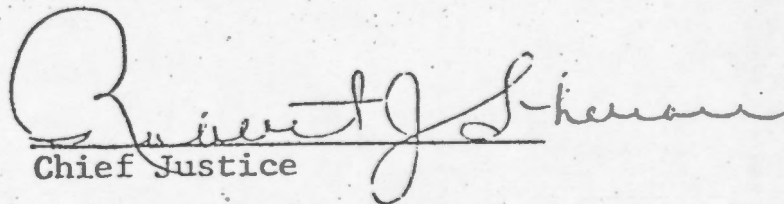


It appearing to the Court that it is in the best interests of the public that the discipline recommended by the Lawyers Professional Responsibility Board be imposed on the respondent;

NOW, THEREFORE, IT IS ORDERED that the respondent Jack L. Chestnut be and he hereby is suspended from the practice of law in the State of Minnesota for a period of five months from the date hereof.

Dated: October 22, 1976.

BY THE COURT


Chief Justice



UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA]
] vs.] Criminal No. 74-727
TIM M. BABCOCK,]
] Defendant.]

Washington, D. C.

Friday, June 4, 1976

The above-styled cause came on for hearing before THE HONORABLE GEORGE L. HART, Jr., United States District Judge, at approximately 9:35 o'clock a.m.

APPEARANCES:

On behalf of the Government:

CHARLES RUFF,
Associate Special Prosecutor.

On behalf of the Defendant:

RAYMOND G. LARROCA, Esq.

E. Alfred Kaufman
Official Reporter



PROCEEDINGS

THE DEPUTY CLERK: Case of the United States versus Tim M. Babcock.

THE COURT: Counsel, we will hear your motion.

MR. RUFF: Your Honor, I understand as a preliminary matter that the Court of Appeals has in fact returned this case to this Court.

THE COURT: Yes, we have the mandate. The Court will receive it.

MR. RUFF: Thank you.

MR. LARROCA: Good morning, Your Honor.

THE COURT: Good morning.

MR. LARROCA: Raymond Larroca for the Defendant Babcock.

Your Honor, we are here to ask the Court to reduce the sentence to a monetary fine. All of the grounds for this motion are set out in the moving papers. If the Court wishes, I can briefly summarize the principal material of it.

THE COURT: I think you might.

MR. LARROCA: Your Honor, this Court already is aware of Mr. Babcock's exemplary record prior to this offense, and that essentially the offense charged carried out the wishes of his corporate superior, that he didn't gain or stand to gain one cent personally from his role, and also that his cooperation with the Government was essentially to the



disposition of certain related cases.

From the record the Court also knows as a result of this cooperation, Your Honor, during the last year Mr. Babcock and his family have not only had to bear the public humiliation that normally comes from a conviction for a Federal crime, but he has also been subjected to baseless charges as to his honesty and integrity, charges made and later rescinded by his former supervisor who was a principal in the offense.

That principal, Your Honor, who was the donor of the contribution involved recanted the charges and finally pleaded guilty to a three-count Information involving this contribution. He was not imprisoned, Your Honor.

The recipient of the contribution involved pleaded guilty to five violations of the law, one of which involved this particular contribution. He was not imprisoned.

Today we are simply asking the Court that Mr. Babcock, who was essentially the conduit in this affair, who gained nothing from the affair, whose cooperation facilitated the related investigation, Your Honor, and of all the people involved in this particular event, has been the subject of the greatest public humiliation and probing, and yet been the one because of his public and financial posture least able to bear the impact of this, that he is equally deserving of the Court's mercy, and in the best interest of justice, it



would be served if he alone were not the one to be sent to jail.

We do note finally, Your Honor, that the Government does not oppose this motion. And those are essentially the reasons, the others need not be repeated, Your Honor.

THE COURT: All right.

Does the Special Prosecutor have anything you wish to say?

MR. RUFF: Your Honor, as has been our consistent position, we take no position with respect to sentencing in this matter, and we have nothing further unless the Court has some specific questions.

THE COURT: Mr. Babcock, do you have anything you wish to say at this time?

DEFT. BABCOCK: Only, Your Honor, that it has been a rather heavy load to have borne for the last year and some months, and certainly I regret again very much this decision. A lesson very well has been learned in this regard.

THE COURT: Mr. Babcock, you are a man that has a very exemplary public record. You have a very fine and exemplary war record. You served your country well.

At the time of the original sentence in this case, the Court originally sentenced you to a split sentence of prison, not so much to punish you, certainly not to rehabilitate you, but to possibly serve as a deterrent to others that they



not continue to ignore the laws with regard to political contributions.

However, since that time the principal in your case has been put on probation as I understand it, the recipient has done likewise, or at least one of them; is that correct?

MR. LARROCA: That is correct, Your Honor.

THE COURT: Therefore, I think it would be a terrible miscarriage of justice to send the agent to jail, or the legman in that circumstance.

The Court will, therefore, set aside the original sentence of this Court, and will sentence you to a fine of \$1,000.00.

I may say also that I think during the time since this sentence was passed on January 31, 1975, the punishment that has been visited upon you by reason of that sentence hanging over your head, and the necessity for appeals and so forth, has probably punished you far beyond the serving of the actual four months.

DEFT. BABCOCK: Thank you, Your Honor.

THE COURT: All right.

MR. LARROCA: Thank you, Your Honor.

* * * * *

CERTIFICATE OF REPORTER

I hereby certify that the foregoing five pages constitute the official transcript of proceedings had in the above-styled cause.

E. A. Kaulman
Official Reporter

