



U.S. Department of Justice

Office of the Pardon Attorney

Washington, D.C. 20530

May 9, 2013

Mr. Grant F. Smith
P.O. Box 32041
Washington, DC 20007

Re: Freedom of Information Act
Request No. 2013-052

Dear Mr. Smith:

This is in response to your correspondence of April 23, 2013, which was received in the Office of the Pardon Attorney on May 2, 2013, requesting pursuant to the Freedom of Information Act 5 U.S.C. § 552 *et seq.*, a copy of all documents related to the pardons of Adolph Schwimmer, Herman Greenspun, and Charles Winters.

In response to your request for all information pertaining to the pardon of Mr. Greenspun, a search of our records located two pages consisting of the warrant by which President Kennedy granted him a presidential pardon on October 18, 1961. You may wish to inquire with the National Archives or the Kennedy Presidential Library in Boston regarding any further information they may have concerning Mr. Greenspun.

No application for executive clemency submitted by or on behalf of Adolph Schwimmer was processed by the Office of the Pardon Attorney. As a result, the only record that we have that is responsive to your request relating to Mr. Schwimmer is the warrant by which President Clinton granted him pardon on January 20, 2001.

It is the general policy of the Department of Justice that requests for posthumous pardons for federal offenses not be processed for adjudication. The Department's policy is based on the conclusion that the limited resources which are available to process application for executive clemency- now being submitted in numbers far greater than in years past- are best dedicated to requests submitted by persons who can truly benefit from a grant of the request. Notwithstanding this policy, the President always retains the plenary power granted to him by the Constitution to pardon or commute sentences, and does so at his sole discretion. As a result of the application of this policy, the pardon petition submitted on behalf of Charles Winters was not processed by the Office of the Pardon Attorney.

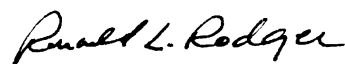
However, a copy of the application that was prepared on Mr. Winters' behalf was forwarded to our office, and I am therefore able to provide you with 89 pages of documents pertaining to Mr. Winters. I have included a draft copy of a letter sent to Mr. Reginald Brown, the attorney who filed the petition on behalf of Mr. Winters' family. We were unable to locate the original letter, but I am satisfied that this electronic file copy fully represents the letter actually sent to Mr. Brown. You will note that several of the enclosed pages contain partial redactions pursuant to Exemption 6 of the FOIA, which limits the disclosure of information that could reasonably be expected to constitute an unwarranted invasion of an individual's personal privacy. Three pages of email communications have been withheld in their entirety pursuant to Exemption 5 of the FOIA, which permits the withholding of information constituting inter- and intra-agency deliberative communications regarding executive clemency matters.

Two pages of responsive records that originated with the Federal Bureau of Investigation (FBI) have been referred to that agency. The FBI will respond to you directly regarding the release of these records. Similarly, two pages that originated in the Office of the Deputy Attorney General have been forwarded to the Office of Information Policy, the component in charge of FOIA processing for the Office of the Deputy Attorney General. The Office of Information Policy will respond to you directly regarding the release of these two pages.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

I am required to inform you that if you consider my response to be a denial of your request, you may appeal to the Office of Information Policy, Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within 60 days from the date of this correspondence. Your envelope and letter should be clearly marked "Freedom of Information Act Appeal" or "Information Appeal." In the event your appeal is unsuccessful, judicial review will thereafter be available to you in the federal district court for the district in which you reside or have your principal place of business or in the District of Columbia, where the requested records are located.

Sincerely,



Ronald L. Rodgers
Pardon Attorney