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# Petition for Pardon After Completion of Sentence

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Please read the accompanying instructions carefully before completing the application. Type or print the answers in ink. Each question must be answered fully, truthfully, and accurately. If the space for any answer is insufficient, you may complete the answer on the optional continuation page or on a separate sheet of paper and attach it to the petition. You may attach any additional documentation that you believe is relevant to your petition. The submission of any material, false information is punishable by up to five years' imprisonment and a fine of not more than \$250,000. 18 U.S.C. §§ 1001 and 3571.

## To The President of the United States:

The undersigned petitioner prays for a pardon and in support thereof states as follows:

1. Full name: Charles Thompson Winters  
First Middle Last

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Address: [Redacted] Miami FL 33142  
Number Street City State Zip Code

Telephone Number: \_\_\_\_\_ Social Security No. \_\_\_\_\_  
(area code)

Date and place of birth: February 10, 1913

Sex: M Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

State in full every other name by which you have been known, including the name under which you were convicted, the reason for your use of another name, and the dates during which you were so known (i.e., include your maiden name, name by a former marriage, aliases, and nicknames).

Not applicable

Are you a United States citizen?  yes  no

If you are not a U.S. citizen, state your nationality and your alien registration number. If you are a naturalized U.S. citizen, state the date and place of your naturalization.

Have you ever applied for a presidential pardon before?  yes  no

If yes, state the date you applied for pardon, and the date you were notified of the final disposition of the petition.

**Offense(s) For Which Pardon Is Sought**

*Under the Rules Governing Petitions for Executive Clemency, a minimum waiting period of five years after completion of sentence is required before you become eligible to apply for a presidential pardon. The waiting period begins on the date of release from confinement. If the conviction resulted in probation or a fine with no term of imprisonment, the waiting period begins on the date of sentencing. Please see paragraph 3 of the Information and Instructions on Pardons.*

2. Petitioner was convicted on a plea of guilty in the United States District

(guilty, not guilty, nolo contendere)

Court for the Southern District of Florida of the crime of:

(Northern, Western, etc.) (identify state)

Conspiracy to Export and Exporting Aircraft to a Foreign Country

(State specific offense; provide citation of statute(s) violated, if known)

and was sentenced on 2/4, 1949 to  imprisonment for 18 months,

(month/day) (year)

probation/supervised release for \_\_\_\_\_,  a fine of \$ 5,000, and  restitution

of \$ \_\_\_\_\_. Petitioner was 35 years of age when the offense was committed.

3. Petitioner began service of the sentence of ( imprisonment  probation) on 3/29, 49 ;

(month/day) (year)

was released on 11/17, 1949 from FCI, Tallahassee, Florida, began service of

(month/day) (year) (Federal institution)

probation/supervised release on 11/17, 1949 ; and completed the sentence on

(month/day) (year)

9/14, 1950. Petitioner ( did  did not) appeal the conviction.

(month/day) (year)

4. Indicate the date(s) on which the fine or restitution was paid. If the fine or restitution has not been paid in full, explain why, and state the remaining balance.

Paid, date unknown

5. If you appealed your conviction or sentence, provide the date of the decision(s) by the Court of Appeals and, if applicable, the Supreme Court. Also provide citations to any published judicial opinion(s), and a copy of any unpublished opinion(s), if available.

Not applicable





**Biographical Information**

8. **Current marital status:**  Never Married  Married  Divorced  Widowed  Separated  
For each marriage, state the following: name of spouse, date and place of spouse's birth, date and place of marriage, and, if applicable, date and place of divorce, and current or last known address and telephone number of your current and each former spouse. If you need more space, use the optional continuation page.

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[Redacted] \_\_\_\_\_  
name of spouse date/place of birth  
[Redacted] Miami, Florida 33142 \_\_\_\_\_  
full address, including zip code telephone number, including area code  
[Redacted] \_\_\_\_\_  
date/place of marriage date/place of divorce  
\_\_\_\_\_  
name of spouse date/place of birth  
\_\_\_\_\_  
full address, including zip code telephone number, including area code  
\_\_\_\_\_  
date/place of marriage date/place of divorce

9. (a) **List your children by name and furnish the date and place of birth for each:**  
If you have no children, indicate that the question is not applicable. If you need more space, use the optional continuation page.

James Winters \_\_\_\_\_ 1/9/1964; Coral Gables, Florida  
name of child date/place of birth  
\_\_\_\_\_  
name of child date/place of birth  
\_\_\_\_\_  
name of child date/place of birth

- (b) **If you have minor children, but do not have custody of one or more of them, indicate whether and to whom you pay child support, whether your payments are current, and, if not, the reason for your failure to pay and any agreement you have made to satisfy your payment obligation.**

Not applicable \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (c) **If the other parent of any child listed above is not your spouse or former spouse, identify the child, and state the name, address, and telephone number of the other parent.**

Not applicable \_\_\_\_\_  
\_\_\_\_\_

10. List the complete address of all schools you have attended since your conviction, beginning with the most recent and working backward. Indicate the type of degree or diploma received or anticipated, and give the name of an instructor, counselor, or other school official who knows you well. If you need more space, use the optional continuation page. If you have not attended any schools since your conviction, indicate that the question is not applicable.

<i>School</i>	<i>From (month/year)</i>	<i>To (month/year)</i>
Not applicable		
<i>Number and Street</i>	<i>Degree</i>	<i>Month/year awarded</i>
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Name of school official</i>	<i>Telephone number of school official</i>	

### Residences

11. Provide the full address of every place you have lived since the conviction or release from incarceration, beginning with the present and working backward. All time periods must be accounted for. List the physical location of your residence; do not use a post office box as an address. If you lived in an apartment complex, list your apartment number. If you need more space, use the residence continuation page.

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<i>Date you moved to present address (month/year):</i>	<i>Number and Street</i>	<i>Apartment Number</i>	
	(until death) [REDACTED]		
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
	Miami	Florida	33142

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

**Employment History**

12. List all periods of employment and unemployment since the conviction or release from incarceration, beginning with the present and working backward. *All time periods must be accounted for.* List all full and part-time work, self-employment, and any periods of unemployment. For any period of unemployment, indicate your means of support. For additional employments, use the employment history continuation page.

<i>Present Employer</i>		<i>Telephone (include area code)</i>	
<i>Date you began this employment (month/year)</i>	<i>Number and Street</i>		
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<b>Morris Sales and Export Company</b>			
<i>Began (month/year)</i>	<i>Number and Street</i>		
	1243 NW 21st Street		
<i>Ended (month/year)</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
	<b>Miami</b>	<b>Florida</b>	<b>33142</b>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year)</i>	<i>Number and Street</i>		
<i>Ended (month/year)</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

(a) Since your conviction, have you been fired or left a job following allegations of misconduct or unsatisfactory job performance?  yes  no

(b) Have you ever failed to list your conviction, or any other arrest or conviction, on any employment or other application where such information was requested?  yes  no  
 If you answered yes to either of the above questions, provide the employer's name, address and telephone number, and explain fully below. If you need more space, use the optional continuation page

These answers are to the best of James Winters' knowledge.

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**Substance Abuse and Mental Health Information**

13. (a) **Have you ever used any illegal drug or abused prescription drugs or alcohol?**  yes  no  
*If yes, identify the drugs used, the dates of drug or alcohol abuse, and the frequency of such use. If you need more space, use the optional continuation page*

These answers are to the best of James Winters' knowledge.

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- (b) **Have you ever been involved in the illegal manufacture, sale, or distribution of drugs, other than the offense for which you seek pardon?**  yes  no  
*If yes, provide complete details and dates of your involvement. If you need more space use the optional continuation page.*

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- (c) **Have you ever sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse?**  yes  no  
*If yes, specify the dates of treatment or counseling, and provide the full name, address, and telephone number of the treatment facility and of the doctor, counselor or other treatment provider*

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- (d) **Have you ever consulted with a mental health professional (psychiatrist, psychologist, or counselor), or with another health care provider, concerning a mental health-related condition?**  yes  no

*If yes, specify the nature of the condition, the dates of treatment, the type of treatment, and the full name, address, and telephone number of the counselor or treatment provider.*

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### **Civil and Financial Information**

14. (a) **Are you currently in default or delinquent in any way in the payment or discharge of any debt or financial obligation imposed upon you?**  yes  no

*If yes, state the amount of the debt, the full name, address, and telephone number of the creditor, the reason for the failure to pay, and the terms of any agreement you have made to satisfy the obligation. If you need more space, use the optional continuation page.*

These answers are to the best of James Winters's knowledge.

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- (b) **Have any liens (including federal or state tax liens) been filed against you?**  yes  no

*If yes, state the amount of the lien, the full name, address, and telephone number of the lien holder, the reason the lien was imposed, the current status of the lien, and the terms of any agreement you have made to satisfy the obligation. If you need more space, use the optional continuation page.*

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**(c) Have you ever been named as a party in a civil lawsuit?**  yes  no  
*If yes, state the full name, address, and telephone number of any other party to the lawsuit, the court in which it was filed, the case number, the nature of the dispute, and the final disposition, including the terms of any settlement agreement. If you need more space, use the optional continuation page.*

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**(d) Have you ever filed for the discharge of your debts in bankruptcy?**  yes  no  
*If yes, state the court in which the petition was filed, the case number, the amount of debt sought to be discharged, the final disposition of the action, and the date of disposition. If you need more space, use the optional continuation page.*

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**(e) Do you have pending any judicial or administrative proceedings with the federal, state, or local governments?**  yes  no  
*If yes, state the full name, address and telephone number of the relevant authority involved, the jurisdiction in which the proceeding is pending, the case number the nature of the dispute, and the current status of the matter. If you need more space, use the optional continuation page.*

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**Civil Rights and Occupational Licensing**

16. **Have you ever applied for the restoration of your state civil rights (i.e., a state pardon, a certification of restoration of civil rights, or a certificate of discharge)?**  yes  no

*If yes, indicate whether the application was granted or denied, and attach a copy of your application and the document(s) evidencing the state's action.*

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17. (a) **Have you ever applied for the removal of your state firearms disabilities?**  yes  no

*If yes, indicate whether the application was granted or denied, and attach a copy of your application and the document(s) evidencing the state's action.*

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- (b) **Have you ever applied for the removal of your federal firearms disabilities?**  yes  no

*If yes, indicate whether the application was granted or denied, and attach a copy of your application and the document(s) evidencing the federal government's action.*

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18. (a) **Have you ever been denied any type of business or professional license, had any such license revoked, or had reinstatement of any such license denied?**  yes  no

*If yes, attach a copy of the document(s) evidencing the action, including your application and any explanation of the reasons for the action. If not available, provide the name, address, and telephone number of the authority taking the action, the nature of the license, the disposition of your request, and the date of disposition.*

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- (b) **Have you ever been granted any type of business or professional license or received the reinstatement of any such license that had been revoked?**  yes  no

*If yes, attach a copy of the document(s) evidencing the action, including your application and any explanation of the reasons for the action. If not available, provide the name, address, and telephone number of the authority taking the action, the nature of the license, the disposition of your request, and the date of disposition.*

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**Charitable and Community Activities**

19. Describe any charitable or civic activities in which you have been engaged, or other contributions you have made to the community, since your conviction. In this regard, you may include the names of any organizations in which you have participated, the time periods of your participation, your role in these activities, and the name, address, and telephone number of a person associated with each organization who is familiar with your involvement. If you need more space, use the optional continuation page.

Charlie Winters was actively involved with Shriners of North America for as long as his son, James Winters, can remember.

Other organizations: unknown





## RESPONSE TO QUESTION 6

Charlie Winters was an ordinary American, a Christian born and raised in Boston, Massachusetts. After the end of World War II, Winters started a business, buying surplus planes from the United States military, revamping them and using them to ship fruit from Miami to San Juan, Puerto Rico. This business – though not particularly profitable – would lead him to change the course of Israeli and world history.

On November 29, 1947, United Nations Resolution 181 provided for the creation of a Jewish and an Arab state within the Palestinian mandate. The Arab League publicly rejected the Resolution, making clear that the surrounding Arab nations and their well-equipped armies would attack the Jewish state when the British withdrew, on May 15, 1948. The new Israeli state had little money to buy arms, and little expertise to use them. Moreover, the United States and many other powers banned the sale of weapons to the Middle East. Jews in Israel were thus left to arm themselves and prepare for war against overwhelming odds, and with little help from the outside world. The very survival of the Jewish state was at risk.

It was around this time that Al Schwimmer approached Charlie Winters. Schwimmer was a Jewish American committed to the Israeli cause, and was working to purchase and deliver military equipment to Israel. Sometime in May or early June, 1948, Schwimmer and Winters discussed the transfer of airplanes. This was a particularly crucial time for the new Jewish state: the first U.N. truce had just started, but it was virtually certain that it would not last. Israel used the time to plan a major offensive known as the Ten Days, which would be launched whenever the ceasefire broke. After learning of the cause for which the aircraft would be used, Charlie Winters agreed to sell two B-17s to Al Schwimmer for use by the new Israeli state. Winters ensured that the planes had U.S. registration, and recruited the crews that examined the planes in Miami to make sure that no one would stop them from leaving. Winters also agreed to lead three B-17s (the two he supplied and one Schwimmer had purchased as war surplus in California) out of Miami on June 12, 1948. Despite his plane's woefully insufficient navigation equipment, and the knowledge that the United States was ready to arrest him if caught, Winters flew to Puerto Rico, then to Santa Maria in the Azores, and finally on to Zatec, Czechoslovakia, where the planes were refurbished for military use. Winters did not accompany the planes to Israel, but instead returned home to Florida to lead an ordinary and honorable life.

While Winters did not seek fame or recognition for his actions, they were incredibly important in ensuring the survival of the new Jewish state. The three B-17s were the only heavy bombers in the Israeli Air Force, and are said to have boosted fivefold the weight of bombs dropped by the Israelis during the last four days of the Ten Days offensive. In fact, two of the three planes stopped on their way to Israel to bomb Egyptian bases in the Sinai; the third came close to bombing the Abdin Palace in Cairo. It is believed that these attacks caused Egypt to stop bombing Tel Aviv and Haifa. A military observer recalled that "the situation changed completely" with the arrival of these three planes, as the Arab air forces almost ceased activity. At the end of the Ten Days, the fledgling state of Israel had reoccupied most of the northern territory allotted to it by the U.N. partition plan. According to the military observer, "anyone arriving in Israel then would have found it difficult to believe that only one month previously the Arab air forces had been in complete control of the sky." Al Schwimmer called Winters' actions "a major turning point" in the 1948 War of Independence. David Ben-Gurion called the actions

of Schwimmer and those, like Winters, who assisted him, the single most important contribution to the survival of Israel.

Despite the brave and heroic nature of these deeds, Winters, Schwimmer, and others who endeavored to help Israel defend itself were prosecuted for violating the Neutrality Act. Winters, who lacked extensive legal resources, pled guilty to the charge of conspiracy to export and exporting aircraft to a foreign country in violation of the Neutrality Act; several others, including Schwimmer, pled not guilty and went to trial, but were convicted. Notably, while the other men who helped send arms and airplanes to Israel were fined \$10,000 (paid by Jewish organizations) and given suspended sentences, Charlie Winters, who squarely took responsibility for his actions, was sentenced to 18 months in a federal prison and fined \$5,000. He served roughly eight months of that sentence, and was released on probation on November 17, 1949.

Upon his release, Charlie Winters returned to a humble and ordinary life. According to his son, James, he did not speak about his heroic acts. For the remainder of his life, Winters lived quietly with his family in Miami, Florida, where he owned an import and export business. Charlie Winters died in 1984. Despite not being Jewish, his remains were transferred to Israel at his request, making his final resting place a Christian cemetery in Jerusalem adjacent to the cemetery of Knights Templar. It was fitting for him to be laid to rest in a country whose survival he helped assure.

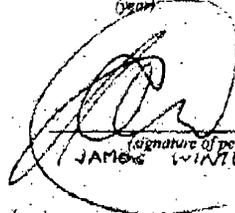
Two of the other men convicted for violating the Neutrality Act by selling arms and planes to Israel have received pardons. Hank Greenspun was pardoned by President John F. Kennedy; Al Schwimmer was pardoned by President William J. Clinton. Charlie Winters, however, has been forgotten – his name appears in some sources on American heroes in the Israeli War of Independence, but his story is infrequently told. What Charlie Winters did violated the technical letter of law, but it was, nevertheless, the right thing to do. His actions helped a fledgling democracy survive and thrive into one of America's strongest allies in a region that is even today fraught with danger and risk. Because of what he did for Israel and the cause of freedom, Charlie Winters should be remembered, and should at last be pardoned for his heroic deeds.

**Certification and Personal Oath**

I hereby certify that all answers to the above questions and all statements contained herein are true and correct to the best of my knowledge, information, and belief. I understand that any intentional misstatements of material facts contained in this petition may cause adverse action on my petition for pardon, in addition to subjecting me to any other penalties provided by law.

In petitioning the President of the United States for pardon, I do solemnly swear that I will be law-abiding and will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I take this obligation freely and without any mental reservation whatsoever, So Help Me God.

Respectfully submitted this 3rd day of VII, 2008  
(month) (year)

  
(signature of petitioner)  
JAMES WINTERS

Subscribed and sworn before me this 3rd day of July, 2008  
(month) (year)

(S.F.A.I.)

  
Notary Public

My commission expires April 3, 2009

