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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]
- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA.
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(B)(6) of the FOIA]
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

JOHN R. STANISH
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FLD

January 7th, 1983

Mr. David C. Stephenson
Acting Pardon Attorney
Department of Justice
Washington, D.C. 20530

Re: Petition for Executive Clemency of
Gilbert L. Dozier

Dear Mr. Stephenson:

Enclosed you will find a Petition for Commutation of Sentence, with supporting letters, on behalf of Mr. Gilbert L. Dozier, an inmate at FCI Fort Worth. Mr. Dozier is currently serving a term of imprisonment totaling eighteen (18) years following conviction under the RICO Statute. I will be representing Mr. Dozier along with Mr. John M. Stuckey, Jr., Attorney at Law, Airport International Centre, Suite 205, 1005 Virginia Avenue, Atlanta, Georgia 30354, (404) 762-5768, and Mr. Curtis C. Crawford, Attorney at Law, 408 Olive, Suite 715, St. Louis, Missouri 63102, (314) 621-4525.

I would appreciate the opportunity to meet with you to discuss this matter within the next several weeks after you have had a chance to review Mr. Dozier's petition.

If you have any questions or desire further information from me prior to this meeting, please feel free to let me know. Thank you for your cooperation.

Sincerely yours,

John R. Stanish

k/enc.

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, GILBERT L. DOZIER
Name: First Middle Last

a Federal prisoner, Reg. No. 01326-095, confined in the Federal Institution at Fort Worth, Texas
City State

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

, born on March 19th, 19 34, and has Social Security No [redacted]. If not presently confined, his address is: n/a
No. Street City State Zip Code

PETITIONER was convicted on a plea of not guilty in the United States District Court for the Middle District of Louisiana at Baton Rouge
guilty, not guilty, nolo contendere Eastern, Western, etc. State City

of the crime of violation of 18 U.S.C. 1962(2), 1963, 1951 & 1952 (RICO)
Describe specifically and accurately.

and was sentenced on Nov. 12th, 19 80, to imprisonment for five years on Count I and five years on Count II, consecutive
length of sentence

and/~~or~~ to pay a fine of $ 25,000 which was amended on June 24, 1982, to add eight years imprisonment on Count III, consecutive to the terms of imprisonment under Counts I and II. Therefore, the total term of imprisonment is 18 years.

If conviction was appealed, complete the following paragraph:

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on April 8th, 19 82. An appeal was taken to the Supreme Court. The Supreme Court denied a
was, was not granted, denied

petition for a writ of certiorari on October 17, 19 82. If certiorari was granted, the judgment was affirmed on n/a, 19 .

PETITIONER began the service of his sentence on June 24, 19 82. He will be eligible
was, is not, will be

for parole on April 15, 19 87, and his application for parole was n/a. He will
granted, denied

be released from confinement on n/a, 19 .

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:

Sentences imposed are excessive. Petitioner attaches hereto and incorporates by reference as Exhibit "A", a copy of the Sentencing Memorandum filed in the Trial Court and attaches as Exhibits "B", "C", & "D", respectively,letters of support from the following: Honorable Ernest N. Morial, Mayor of New Orleans; Mr. Martin D. Woodin, President, Louisiana State University System; Mr. Ray P. Authement, President, University of Southwest Louisiana.

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.

EXHIBIT "A" TO PETITION FOR
COMMUTATION OF SENTENCE
GILBERT L. DOZIER

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 80-2
SECTION "A"

GILBERT L. DOZIER

SENTENCING MEMORANDUM ON
BEHALF OF THE DEFENDANT

Choosing the appropriate sentence for Gil Dozier's conduct is a sensitive and difficult task for this court. The goals of corrections, the facts of the case and the individual characteristics of this defendant must be balanced and integrated to find the appropriate sanction. The defendant is aware that the Court will have available a thorough and accurate pre-sentence evaluation to help its decision-making. However, while the difficult burden of decision-making is now upon the Court, the weight of the actual decision will fall upon the defendant. He therefore takes this opportunity to supplement that pre-sentence report with an additional analysis and evaluation.

While the statutes violated carry severe sanctions of incarceration, a penalty of incarceration is not warranted in this case. The multi-goals of corrections can be best fulfilled by a monetary fine and a period of probation with creative and appropriate special terms, some of which have already been suggested to this Court through a Pre-sentence Evaluation. The justification for this position is based on the mitigating facts surrounding the offenses themselves, the considerations of general deterrence (the primary goal of sentencing in this case), and the individual characteristics of this defendant.

THE OFFENSE

The statutes which Gil Dozier was convicted of violating were enacted by Congress to deal with grave and deep-seated societal problems -- the RICO Act to intercept the insidious spread of organized crime into legitimate business enterprises and the Hobbs Act

to similarly combat its influence "on the waterfront" in labor union activity. The language of the statutes was drafted broadly to encompass the breadth of its formidable target. The penalty was appropriately severe.

Gil Dozier's conduct, while found violative of these statutes, was not the sort of behavior targeted by Congress for which a severe penalty was sanctioned. This is not to denigrate the seriousness of what the defendant was accused and found guilty of doing. However, when a massive effort is mobilized to combat a pervasive perceived evil, sometimes those who have committed lesser transgressions are ensnared in its net. When this occurs, the sentencing court must consider a lessening of the penalty. Even the prosecuting attorney stated repeatedly to the jury, "This is not a case involving organized crime." The prosecutor was concerned the jury would not find the defendant to fall within the scope of those statutes at all and was obviously aware that the defendant's behavior, even at worst, did not and does not warrant the severer sanctions of these laws.

Regarding the substantive acts of extortion and attempted extortion, there was no allegation made nor any evidence presented that the defendant exerted or threatened any physical force or personal injury upon anyone, which would be the most serious breach of these statutes. In fact, it is unknown whether the jury found the defendant to have instilled any fear at all or whether he had simply improperly solicited campaign contributions in too close connexity with his official role. It is clear from the evidence that Dozier was aggressive, blunt and at times manipulative, but the reaction to him was less fear than it was anger and resentment. The thrust of the government's case appeared to be that Dozier committed the offenses not through coercion or duress but by improperly soliciting campaign funds under color of official right.

Gil Dozier knew in 1975 that if he had any hope of being Governor in 1979, he would need to begin the arduous fundraising task immediately and relentlessly. Like any other elected official, the likeliest source of

funds was from his constituency -- in his case, the agri-business community. However logical, it was fraught with danger as he had been elected without the support, and indeed despite the opposition of, the agriculture community. The overriding need for funds, the abrasiveness of his personality and the approach to people who had been ardently opposed to his election, guaranteed strain and tension. As Loy Weaver himself said, "You know anytime you go to your political enemy ... and ask for a contribution, he would consider that a threat." While this doesn't exonerate Gil Dozier, it does offer circumstances that are mitigating. There was no allegation that Gil Dozier sought to line his own pockets. On the contrary, he was engaged in the legitimate goal of political fundraising, a goal made astronomically high because of the office he sought. Millions of dollars were needed. Much of his own financial resources poured into the campaign coffers. He was not out to get rich off the public -- he wanted to be Governor. His goal was laudable; the cost was overwhelming, and his tactics and style were unacceptable. It was a combination of all those elements, not just his personality, that led to his downfall.

PURPOSES OF SENTENCING

The Court is, we are sure, well aware of the factors traditionally identified as the goals of a sentence in a criminal case. Those purposes are (1) rehabilitation of the offender, (2) protection of society from the offender, (3) general deterrence of other potential offenders, and (4) retribution by society against the offender. See, e.g., M. Frankel, Criminal Sentences -- Law Without Order, 58 (1973); Department of Justice Statement on Sentencing, before the Subcomittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, 95th Cong., 1st Sess., at 10 (June 20, 1977).

As the probation office agrees, there is no basis upon which to believe that a prison sentence for Gil Dozier would serve any rehabilitation purpose; on the contrary, a prison sentence in this case could only have the opposite effect. As the Court is aware, Mr. Dozier was utterly destroyed as a political figure by this case, and cannot ever pursue what had been his primary ambition for the past nine years. Furthermore, as an almost automatic consequence of his conviction, he will lose his license to practice law, thus depriving him of his career previous to entering public office. He is truly at the bottom, in terms of his career, his reputation, and his ability to make a life for himself and his family. His greatest need, in terms of rehabilitation, is to begin picking up the pieces of his life, earning the respect of others, and restoring his own self-respect. Any substantial prison sentence would only delay that process and, by the further degradation it would impose upon him, perhaps make it unattainable.

Nor is there any purpose to be served by a sentence in this case in terms of protecting the community against the acts of Gil Dozier. The only acts anyone has accused him of were misuse of his political powers, arising from overweening ambition. Gil Dozier will never again hold public office. Nor, in light of the awesome consequences he has already suffered as a result of the activities that led him to stand before the Court for sentencing, is there the slightest basis to contend that further punishment is necessary to ensure that Mr. Dozier will never again engage in activities that could lead him back to such a position.

The remaining traditional goals of sentencing are "general deterrence" -- i.e., making an example of Gil Dozier to prevent others from committing similar acts -- and retribution, which includes the concept of the will of the community. We will address each of these in some detail.

1. Deterrence

With respect to deterrence, the nature of the offense involved and the significance this case has already assumed in the political life of this State are highly significant. We need not dwell on the facts of the case, for the Court heard all the evidence. But whatever might be said about Mr. Dozier's state of mind, three facts stand out clearly.

First, Mr. Dozier was raising funds to run for political office, and had every right to ask for contributions from each and every person he spoke to.

Mr. Dozier did not have the right to lead potential contributors to believe their money was necessary to get favorable treatment from his office, but he did have the right to attempt to raise the hundreds of thousands of dollars necessary given the current system of campaign financing in this State and elsewhere, to run for office. This is hardly a case like that of the ABSCAM defendants, who used their elected office for private gain, or of unelected public officials who have no business asking for money from anybody. In other words, it is not a case where the defendant's mere requests for money suggest corruption, or where the defendant sought to line his own pockets.

Second, Mr. Dozier, for a man accused and now convicted for extortion and racketeering on the basis of his requests for funds, was astonishingly open about his activities. He made his pitch to individuals, to packed meeting rooms, to friends, acquaintances, political enemies and strangers, indiscriminately and repeatedly. Indeed the evidence is uncontradicted that Mr. Dozier sought large contributions from pretty much everybody he had occasion to deal with as Commissioner of Agriculture. If one assumes he was consciously and deliberately committing crimes, it is difficult to explain the large number of total strangers and even political enemies he engaged as potential partners in bribery -- including not only those who testified, but the numerous others who were present and were not called as witnesses, and the 30 auction barn owners and 35 dairy processors who were supposed to be solicited by Floyd Volentine and Temple Brown, respectively.

Third, there has been no showing that the defendant actually conditioned his official acts on contributions of money, however much the testimony may have established that he gave the impression that he would do so. This lack of connexity between his fundraising activity and what he actually did in office was apparent throughout all the allegations of the indictment. Most of the individuals who made no contribution whatsoever nonetheless obtained what they desired from the Department of Agriculture. Of those who made a contribution, if their requests were meritorious, they were granted; if not, they were not. While Mr. Dozier realizes the impression left with the individual (as the prosecutor stated repeatedly, "at that moment in time") constitutes the offense, the propriety of his official conduct and the fact that it was unaffected by whether or not he obtained a contribution is significant in mitigation. No harm in fact befell his "victims." Dozier took office admittedly ignorant of much of the agriculture industry and it was apparent from his direct examination that he diligently educated himself and became knowledgable and capable in the position. He was a competent and able Commissioner of Agriculture. This is an important consideration, as an offense like this often justifies a severe sanction if there is an actual corruption of the powers of the office. It is respectfully suggested that the defendant did not in fact breach the public trust vested in him.

The combination of these three facts -- that Mr. Dozier was soliciting campaign contributions, that he was not bashful about it, and that he did not actually sell the powers of his office -- establish, we submit, that the conduct was regarded by him as at least in the range of accepted political activity. Although the Court is very familiar with the testimony of Representative Loy Weaver in this regard, it is worth emphasizing that he too conceded as much. He stated to the House Agriculture Committee as follows:

> In my opinion, Mr. Dozier did not violate the law . . . I don't think he did. He has every right to solicit campaign contributions. I

> don't deny that, I think the setting was wrong, I think the technique was wrong, but that's a political consideration, it's not a question of criminal prosecution, in my judgment. (House Committee on Agriculture Hearings, May 18, 1979, p. 11.)

Our point here is not to reargue the question of intent, which has been decided by the jury. Rather, our point is that Gil Dozier and other political officeholders in Louisiana and elsewhere had reason to question whether the type of solicitations he made stepped over the borderline between condoned, even if uncommendable, political activity, and clearly illegal activity. This is not to say that Dozier was doing what every other politician was doing and was arbitrarily singled out for criminal condemnation. That question is not before the Court. Dozier was not of the right temperament for politics. He was too aggressive and self-centered in his ambitions. Although he mastered his job as Commissioner of Agriculture with commendable ability and determination, he didn't heed the lessons of his advisors that politics was in actuality the "people business". To violate the law was not Gil Dozier's remotest intention, yet his overbearing and arrogant manner did in fact create certain impressions in the minds of others and tragically for him, led to his criminal prosecution and conviction.

The points just discussed are important when considering the question of deterrence. For to a considerable degree, the prosecution of Gil Dozier itself has fulfilled the goal of deterrence. If this were a case -- an anti-trust bid-rigging conspiracy, for example -- where the conduct was clearly criminal and past prosecutions followed by lenient sentences have shown that the conduct can be deterred only by harsh sentences, the deterrence argument for imprisonment would be strong. But this is not that kind of a case. This prosecution has broken new ground in defining what sort of political fund-raising tactics will not be tolerated. (In this regard, we attach hereto a copy of an article by Bill Lynch from the Times - Picayune, which illustrates the point.)

From the point of view of elected public officials (except for hard-case charlatans), it is not the prospect of a lengthy jail sentence, but the likelihood of criminal prosecution, that serves as the greatest deterrent. A public official knows that a criminal conviction for a serious offense will destroy his career and his life, and as a result of this prosecution it is now clear that heavy-handed solicitation of campaign contributions will be prosecuted as extortion and racketeering. Under such circumstances, the conviction of Gil Dozier alone -- without regard to sentence -- is a weighty and entirely sufficient deterrent to other public officials. An example has already been made of Gil Dozier: he has been the subject of the pathbreaking prosecution, and -- with all the truly terrible consequences that he has suffered and will suffer entirely apart from any sentence that might be imposed -- he has been made an object lesson for other elected public officials in Louisiana. To add a stiff prison sentence to those consequences is completely unnecessary for any purpose of deterrence.

2. Retribution

The last purpose of punishment that must be addressed is that of retribution, which focuses not on correction of the defendant or protection of society from him or from other potential offenders, but is rather an expression of the community's outrage against the offense. The idea that retribution is a legitimate function of a criminal sentence is troubling for two reasons. First, insofar as the factor of retribution is governed by the perceived "demand" of the community for punishment of the individual before the Court, it is peculiarly susceptible to influence not by the actual circumstances of the defendant and the offense he committed, but by the public passions raised by rumor, hearsay and media hype. In other words, retribution is more likely to be an expression of the unpopularity of the defendant than of a dispassionate assessment of the criminality of his conduct. Certainly, a judge cannot allow himself to be swayed in sentencing either by the popularity or the unpopularity of the defendant, and should not impose sentence with an eye to the public's approval or disapproval of

his judicial action, but the "retribution" concept invites just such considerations.

Second, it must be recognized that the most-used punishment in our system -- a prison sentence -- is a peculiarly inappropriate and unsuitable method of retribution. Incarceration does not just publicly humiliate a defendant or deprive him of property. It imposes terrible burdens on his family, it deprives society of any useful contribution he might make, it prevents him from beginning a new life, and it costs society the resources necessary to hold him in an institution.

Most judges and commentators feel that for "white collar" offenders, the public disgrace associated with prosecution and conviction is punishment enough without adding incarceration as a sanction. "Sentencing the White-Collar Offender", 17 American Criminal Law Review 479 (1980); "Reflections on White-Collar Sentencing", 86 Yale Law Journal, 589 (1977). Some judges feel that the return of the indictment "is much more traumatic than even the sentence." American Criminal Law Review, at 484. Another judge has remarked (id. at 485):

> [Y]ou have a person who has a certain status, has surrounded himself with a certain aura, and you strip the aura away and let him stand in front of his peers, that itself is pretty serious punishment.

This exposure is even more traumatic when the offender is a public figure whose whole self-esteem is based on his image in the public eye. See "Theory and Practice in Sentencing the Political Criminal: A Comment", 10 Criminal Law Bulletin 737.

To say that Gil Dozier has been already punished at this point is an understatement -- he has been devastated. Ever since May of 1979 when Loy Weaver first leveled his accusations during the legislative committee hearing, Dozier has been on the defensive in a losing battle to save his political career and defend his reputation. The voluminous publicity generated by the news media exacerbated the struggle and

humiliation. (See the exhibits attached to defendant's motion for transfer of venue.) By January 1980, when the indictment came down, Dozier's career and reputation were already ashes. What followed was months of continuing anxiety, family and business disruption and financial strain to defend against the charges. The directs costs and expenses of legal fees surpassed $200,000; other substantial losses in his legal and business activities were incurred. In barely a year's time Gil Dozier went from an image of a crusading reformer possible headed for the Governor's Mansion to the political Darth Vader of Louisiana, an object of ridicule, scorn and ultimately, criminal conviction. To a man of such vast ambitions and overwhelming self-esteem, the fall from grace was catastrophic. Whether he deserved it or not, the past year and a half have been misery for Gil Dozier. He now faces the potential loss of his license to practice law and the continuing social, business and political stigma associated with conviction. Incarceration now, even for a short period, would only exacerbate the emotional and financial strain already incurred by Dozier, his family and associates.

An extensive survey of federal judges and their sentencing revealed a reluctance to impose incarceration on a white collar offender, even though felt to be a possible deterrent, because of the questionable fairness of doing so when the offender himself does not warrant such a sanction either for additional punishment or rehabilitation. American Criminal Law Review, supra. These judges have found additional reasons as well for not imposing incarceration, regardless of its deterrent value in such cases. White collar offenders generally have no prior record, and come from a background of accepted societal values, respectability and living conditions. For them a period of incarceration, even brief, is extremely harsh. These offenders usually have families dependent upon them for financial and emotional support, and frequently the children are in the formative years of exposure to and adoption of societal values; to incarcerate the parent at that time could be devastating to that

development. Furthermore, such offenders are frequently active and contributing members of society through church groups and civic organizations, and their incarceration would deny those worthy causes their input and contribution. Finally, the white collar offender because of his skills, education and financial resources, is ideally suited for a probationary term with special conditions that would provide whatever additional sanction is needed and at the same time utilize his abilities in a constructive way for society. See American Criminal Law Review, supra. All of these considerations are applicable to the defendant, Gil Dozier. The pre-sentence evaluation amply details his background, family responsibilities, and community service.

3. Alternative Sentencing Terms

This has been a highly publicized case and societal indignation towards Gil Dozier has been at a peak level for some time. A temptation exists to severely punish the defendant to satisfy that indignation. Yet society receives no restitution and no reparation by incarcerating Gil Dozier. There may be a momentary feeling of vindictive self-satisfaction at such a penalty, but in reality, the public as taxpayers would simply be footing the bill for his room and board and gaining nothing in return.

Increasingly over recent years, judges have been fashioning special terms of probation that do in fact offer something in return for the injury to society. "Creative Punishment: A Study of Effective Sentencing Alternatives", 14 Washburn Law Journal 57 (1975); American Criminal Law Reporter, supra. This is particularly appropriate in a case such as this where a public official is viewed to have misused his public office. See Criminal Law Bulletin, supra. Such "creative" sentencing has included, for example, a term of probation requiring a supervisor of a public service agency, convicted of defrauding the federal government, to donate four hours a day for a charitable organization that could not afford to pay a professional social worker to organize their caseload and office administration, American Criminal Law Reporter, supra, at 493.

Other judges have spoken of imposing probationary terms that require a dentist to give free dental care; a physician free medical care; an industrialist to set up a non-profit organization and corporate administrators to donate time to charity organizations. Ibid. One commentator recommended that the various Watergate offenders be sentenced to probation periods and placed in community services which "would make the best use of their talents as lawyers, accountants or administrators, as opposed to working as clerks, carpenters or amateur farmers while confined at the taxpayer's expense." Criminal Law Bulletin, at 746. The same commentator recommended imposition of the maximum fine possible so as not to deprecate the seriousness of the offense. Other commentators have felt that stiff monetary fines alone are the appropriate sanction for white-collar offenses; that they are equally effective as a deterrent and are cheaper to administer than incarceration. "Optiminal Sentences for White-Collar Criminals", 17 American Criminal Law Review 409 (1980).

A different approach was taken by a federal judge in California who sentenced several corporate executives convicted of price fixing to probation with a special term that they give oral presentations before twelve civic, business or other groups about the circumstances of the case and their involvement, submitting written reports to the Court on each appearance. 86 Yale Law Journal 589 (1977).

Creative sentencing has occurred even outside the traditional context of white collar offenses. A person convicted of exhibiting obscene movies was mandated to set up a $2,000 trust fund to purchase education films for area schools; a woman guilty of recklessly causing a forest fire was sentenced to assist in reforestation and reseeding projects and also compile seasonal data on forest fires and give talks at area schools. A hunter convicted of killing an endangered swan was ordered to work a certain period of time in the state game preserve. An artist dealing in drugs was probated to teach art in a school for mentally retarded children, a volunteer task so rewarding

that he subsequently was hired on a permanent basis. Wasburn Law Journal, supra, at 65-66.

On behalf of Mr. Dozier, we have suggested to the Probation Office various methods of community service that might be required of Mr. Dozier as a condition of probation in lieu of confinement in a penitentiary. We submit that society's best interests would be served by such a sentence, and that unlike imprisonment, an alternative sentence would enable Gil Dozier to perform his obligations as a member of the community and as a husband and father.

4. Sentencing Equality

While the Court's primary consideration in sentencing is to arrive at a punishment which best serves the needs of society in view of the special circumstances of the defendant and of the offense, we recognize that uniformity in sentencing is also a legitimate goal, and the Court must be mindful of sentences imposed in other cases. It would be bootless to compare this case to any other specific cases, because instances can be found of great disparities not matter what the Court does here. But nationwide statistics do provide some guidance.

The Probation Office has provided the Court with statistics on sentences imposed during the most recent fiscal year under the Hobbs Act. Given the particular nature of Mr. Dozier's offense, we suggest that the proper benchmark for comparison is not the Hobbs Act, but the sentences imposed for bribery or solicitation of bribes. As the Court is aware, extortion under the Hobbs Act customarily consists of obtaining money or property by use of threats of harm against the victim or his family or business. It includes ransom demands, bomb or arson threats, and blackmail, as well as threats of harm to one's business through wrongful use of economic power. But extortion under the Hobbs Act may also consist of obtaining property "under color of official right." The latter phrase includes leading persons to believe that one's official actions will be influenced by payments of money -- or, in this case, by campaign contributions. In other words, a case of "extortion" under Section 1951 can be based simply on what would be

solicitation of bribery under state law, and both the indictment and the evidence at trial make clear that this was the nature of Gil Dozier's offense.

The figures reported by the Administrative Office of the U. S. Courts for defendants convicted of bribery offenses show as follows:

-- In fiscal year 1980, over half (54.4%) received sentences that involved no imprisonment at all;

-- In fiscal year 1980, another 17.6% received split sentences in 1980 (imprisonment of six months or less);

-- During the five years preceding fiscal year 1980, fully two-thirds (67%) received sentences not requiring imprisonment;

-- Another 15% during the five-year period received split sentences;

-- Thus, 72% of all defendants in fiscal year 1980, and over 82% of all defendants during the preceding five years, received sentences that involved no more than 6 months imprisonment.

We submit that in comparing Mr. Dozier's potential sentence to those of others convicted of similar offenses, it is the bribery category, and not the Hobbs Act category, that is the most relevant standard of comparison. And this standard shows that any term of imprisonment would be more severe than the average sentence imposed in such cases, while a prison term of more than six months would be more harsh than the sentences imposed in almost three-fourths of other cases around the country.

5. The Split Sentence Alternative

Should the Court conclude that a prison sentence is appropriate in Gil Dozier's case, we respectfully submit that the "split sentence" provision of 18 U.S.C. 3651 would be the most suitable tool. As the Court knows, the second paragraph of Section 3651 permits imposition of a lengthy prison term with a provision that the defendant be incarcerated for a period of no more than six months; the balance of the sentence is suspended when the defendant is placed on probation

with appropriate conditions. The Court may invoke this provision "when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby." 18 U.S.C. 3651.

The split sentence provision thus enables the Court to impose a prison term that expresses a very severe attitude toward the seriousness of the offense, while taking account of the lack of need -- and, indeed, the disservice to the defendant and the public -- of lengthy incarceration. For a man of Gil Dozier's personal circumstances, serving even a week in jail is a tremendous humiliation and severe punishment. To require that he spend many months in prison would add little, if anything, to the punitive effect of the sentence, and would pointlessly postpone and make far more difficult his effort to begin a new life. It would also pointlessly deprive his family of a husband and father for a period that could not fail to have a severe impact on their lives. And it would pointlessly waste the resources of society in holding, in a federal penitentiary, a man who is no threat to the public and for whom daily life as an inmate can serve only the purpose of degradation, not correction.

6. Conclusion

For the reasons stated earlier in this memorandum, none of the recognized purposes of sentencing would be served by incarceration of Gil Dozier, for any period of time, and a sentence of probation with a heavy fine would be consistent with the usual sentences imposed by federal judges for offenses similar to those of which Gil Dozier has been convicted. Gil Dozier has already suffered the penalty of personal and political ruin. To compound his penalty with a prison sentence would be, in a real sense, beating a dead horse. A stiff fine, particularly appropriate since the offense involved the solicitation of money, coupled with appropriate conditions of probation -- which might include a bar

against his running for political office during the term of probation -- would more than satisfy any lingering need for further sanctions for Gil Dozier's conduct.

Respectfully submitted,

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LOUISIANA CAPITAL REPORT

Dozier Case An Example

By BILL LYNCH
Capital Bureau

BATON ROUGE — Politicians, beware!

Campaign contributions may no longer be used as a guise for shakedowns and payoffs for political favors. Even subtle shakedowns are taboo.

That's the message from a federal court jury and the U.S. attorney's office in Baton Rouge in the conviction of former Agriculture Commissioner Gil Dozier.

Wayward office holders who swap their influence for cash can no longer depend on the unwillingness or ineptness of the local district attorney or state attorney general's office as a means of escape from prosecution.

The feds took on a difficult case that seemed to elude the prowess of state prosecutors and carried it to an almost undeniable conclusion of guilty.

Much of the credit belongs to a young assistant U.S. attorney named Mitchell Lansden, who prefers to be called Mike.

His perspicacity, perseverance and tenacity prevailed over some real heavyweights on the defense team, namely Camille Gravel and William Jeffress, the latter being the young Washington lawyer who is making a big name for himself in defending Louisiana politicians. He defended Rep. Buddy Leach successfully. (Everyone knows who Gravel is.)

Gravel and Jeffress did not have much to work with, other than trying to convince the jury that Dozier's method of raising campaign funds is the way things are done in Louisiana. Dozier readily admitted seeking funds from any and every prospect, including those who were seeking his good offices for help on business problems.

Dozier, in his own perspective, probably still does not feel he has done anything wrong because he laid his intentions on the table. He wanted to run for office and he was asking people to ante up to help him. He wasn't trying to hide the fact.

Gravel and Jeffress did their best to convince the jury that since this is the way things have been done in Louisiana, there was no connection between the solicitations and the official acts performed by Dozier.

The jury chose to agree with Lansden's viewpoint that Dozier's actions amounted to extortion under the federal law and bribery under the state law. Some of those state violations occurred in the jurisdiction of the East Baton Rouge district attorney who had earlier exonerated Dozier from any wrongdoing in his baliwick.

Acts need not necessarily be blatant demands for payoffs, but can be couched in subtle terms designed to bring the end result.

One of the noteworthy comments to the jury by Lansden concerned subtle extortion, in which he explained that acts need not necessarily be blatant demands for payoffs, but can be couched in subtle terms designed to bring the end result.

The jury quite apparently agreed. It convicted Dozier on what Lansden said was nothing but a payoff when the agriculture commissioner accepted $10,000 from a Homer man who was seeking an auction barn charter. Nothing was said about a payoff — you pay this and I'll do that — but the jury drew the clear inference that it was just that — a payoff.

Dozier claimed it was a campaign contribution. That he was running for governor or later for re-election.

Others who aspire for public office may bear this in mind when they seek contributions.

It may well be best not to seek contributions from persons or organizations or firms doing business directly with an agency. At the very least, such contributions or solicitations should be clearly divorced from any official action that might be or is forthcoming that would have any effect on interstate commerce or provide a pattern of racketeering.

How then are candidates to raise money for their campaigns, since most funds come from persons and groups interested in a field governed by a particular office? There is certainly no easy answer to that one.

It may mean that candidates will just have to get along with less funds on which to campaign. And that may be a blessing in itself.

There has always been a problem in prosecuting cases against prominent public officials. Usually the accused employs the smartest and ablest lawyers available. The prosecutors are either young and inexperienced or not quite as able.

But in the Dozier case, the prosecution by Lansden and his colleagues from the development of the case through the trial was a thoroughly professional performance.

Sad to say, such accomplished efforts generally lead to more lucrative careers in private practice, leaving the public field to the less experienced and able.

In the meantime, the next case to watch is that of Education Superintendent Kelly Nix.

Times Picayune 9/27/80

THE WHITE HOUSE
WASHINGTON

Date 2.16.83

Suspense Date _____

MEMORANDUM FOR: Central Files

FROM: **DIANNA G. HOLLAND**

ACTION

_____ Approved

_____ Please handle/review

_____ For your information

_____ For your recommendation

_____ For the files

_____ Please see me

_____ Please prepare response for _____ signature

_____ As we discussed

_____ Return to me for filing

COMMENT

To be attached to material previously sent today on Dozier

COMMUTATION OF SENTENCE
GILBERT L. DOZIER

125807

CITY OF NEW ORLEANS

OFFICE OF THE MAYOR

ERNEST N. MORIAL
MAYOR

December 17, 1982

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D. C. 20500

Dear Mr. President:

I am writing to support a Petition For Commutation of Sentence that has been filed with your office on behalf of Gilbert L. Dozier.

Since you have before you extensive written arguments relating to the merits of this Petition, I will not presume to comment on the issues in the case except to say that, as an experienced attorney and former judge, I find the sentence imposed upon Gilbert Dozier to be extremely harsh and unusual in nature. I, therefore, urge you to take whatever action may be appropriate to correct what is obviously an unjust result in these proceedings.

I have been personally acquainted with Gilbert Dozier for some years. His indictment and conviction in this case shocked and saddened me, for I had always viewed him to be an extremely capable public official. Without denigrating the seriousness of what he was accused and ultimately found guilty of doing, I can still say that I believe in the man and would hope to see him have the opportunity to reclaim his life. And, while I realize that he must be punished for his wrongdoings, I don't believe that a prison sentence of the magnitude imposed is proper or deserving. For men like Gilbert Dozier, the public disgrace associated with prosecution and conviction is devasting. I know personally of his political ambitions which are now destroyed beyond reclamation. His professional career as an attorney is finished. All this added to the mentally and physically debilitating ordeal of time already spent in prison seems to me punishment enough in this case. Gilbert Dozier now needs to have the opportunity to begin again, to earn back the respect of his fellow citizens, and to reclaim his own self-respect. I believe that given the opportunity to do so, he will again become a valuable asset to his community.

I thank you, Mr. President, for your consideration of this appeal and hope that you will agree with me that this is a case deserving of clemency.

Sincerely,

Ernest N. Morial
Mayor of New Orleans

ENM:ad

EXHIBIT "C" TO PETITION FOR
COMMUTATION OF SENTENCE
GILBERT L. DOZIER

MARTIN D. WOODIN

PRESIDENT
LOUISIANA STATE UNIVERSITY SYSTEM

December 17, 1982

The President
The White House
Washington, D.C.

Dear Mr. President:

My purpose in writing you is to lend my support to a Petition for Commutation of Sentence for Mr. Gilbert L. Dozier.

I have known Mr. Dozier for many years as a student, military officer, attorney and public official, as well as a devoted family man. His conviction and sentencing were a shock to me and to many of our mutual friends.

I was particularly saddened by the severity of the penalty given Mr. Dozier, since I cannot come to the conclusion that it serves the purposes of justice or society in general. Mr. Dozier has suffered total public disgrace as well as immeasurable mental anguish not only to himself but to his very fine wife and beautiful children. He now deserves an opportunity to earn back the respect of his fellow citizens and again become a productive member of this community.

Mr. President, I urge your favorable consideration of this appeal.

Respectfully,

M. D. Woodin

ID # 222001 CU

JV

COPY

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

J2001

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Need pdfs for new house status.

Name of Correspondent: William Simmons

☐ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: U.S.A. v. Gilbert h. Donner
Petition for Executive Clemency

ROUTE TO: / **ACTION** / **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
AW Holland	ORIGINATOR	84/04/12		C	84/06/16 JV
Referral Note:					
WATO4	D DD	84/04/13		C	84/06/16 JV
Referral Note:					
CUFIL	I	84/06/16 JV		C	84/06/16 JV
Referral Note:					
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		1 1			1 1
Referral Note:					

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: Copy of Mar 1584 John Stanish & John Stuckey letter to David Stephenson
See ID 125807 cu - F11

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Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
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5/81

THE WHITE HOUSE

WASHINGTON

April 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: RICHARD A. HAUSER RAH

SUBJECT: Gilbert L. Dozier

You have asked about the status of Gilbert L. Dozier's Petition for Executive Clemency. The Department of Justice forwarded a letter of advice for Dozier on March 19, 1984; however, Lowell Jensen, in a telephone conversation on April 5, 1984, asked that we hold off taking any action at this time. It is my understanding that the Department of Justice intends to supply additional information.

WHEN? 4/16

Attachment

WILLIAM E. TIMMONS
PRESIDENT

MEMO

222091

TO FRED FIELDING →

HELP !!

B.T.

We have received recommendation from DOJ granting effective pleneary which RAH has reviewed; however, he is waiting for additional info from DOJ

THE WHITE HOUSE
WASHINGTON

TW 3/29
3/30
4/5

Date 3.20.84

Suspense Date

4/10

MEMORANDUM FOR: RAH

4/16

FROM: **DIANNA G. HOLLAND**

ACTION

_____ Approved

_____ Please handle/review

_____ For your information

_____ For your recommendation

_____ For the files

_____ Please see me

_____ Please prepare response for _____ signature

_____ As we discussed

_____ Return to me for filing

OMMENT

a little night reading

22222

MAR 1 6 1984

JOHN M. STUCKEY, JR.
ATTORNEY AT LAW
AIRPORT INTERNATIONAL CENTRE
SUITE 200, 1005 VIRGINIA AVENUE
ATLANTA, GEORGIA 30354
404 767-1777

TWELFTH FLOOR
1899 L STREET, NORTHWEST
WASHINGTON, D.C. 20036
202 659-9505

March 15, 1984

Mr. David C. Stephenson
Acting Pardon Attorney
U.S. Department of Justice
5550 Friendship Blvd., Suite 490
Chevy Chase, Maryland 20815

Re: United States of America V. Gilbert L. Dozier, Docket # 8301125
Petition For Executive Clemency

Dear Mr. Stephenson:

The purpose of this letter is to supplement, update and summarize some of the principal points and arguments contained in our original Memorandum filed in support of Gilbert Dozier's Petition For Commutation of Sentence.

My co-counsel, John Stanish, joins me in urging you to make a formal recommendation on this matter as soon as possible. Our original Petition was filed on January 7, 1983. We feel strongly that we have now satisfied all of the established prerequisites for the granting of Executive Clemency, i.e., an unduly harsh and overly severe sentence, ineligibility for parole, and an unassailable record of meritorious service to the government.

The severity and disparity of Gilbert Dozier's sentence is an objective fact, borne out both by statistical comparison of sentences within Mr. Dozier's offense category, and, by comparison to punishments meted out to "like kind" offenders. It must be fairly admitted that the substance of his transgressions did not amount to the form of the charged offense. No one now seriously contends that this was a "real" case of extortion under 18 U.S.C. §1951. At worst, it was a case involving public corruption and solicitation

of bribes. Yet, Gilbert Dozier received what government statistics on federal sentencing patterns show was one of the harshest punishments ever meted out in the "extortion" offense category to date of his conviction - more prison time than was given to 80% of other "extortionists" (including forceful and violent offenders) convicted and sentenced in the same year. Conversely, 73% of all defendants convicted of bribery during the same period were either not imprisoned at all, or, received sentences of six months or less. The sentence is even more demonstrably unfair when compared to punishments imposed on "like-kind" offenders, i.e., elected officials convicted for violations of public trust. Gilbert Dozier was sentenced to a total of 18 years in prison, 5 years probation and a $25,000 fine. The harshest of the ABSCAM sentences was three years in prison and $20,000 in fines. Prison sentences imposed on BRILAB convictions in the Western District of Louisiana ranged from three years for the ranking state cabinet officer to seven years for a known organized crime figure with numerous prior convictions. The smallest bribe involved in any of these cases was at least twice the amount of money Gilbert Dozier was charged with "extorting" as campaign contributions. It should also be noted that Mr. Dozier has already served more prison time than any of the Watergate defendants, excepting Gordon Liddy.

We concede that you will undoubtedly view Mr. Dozier's offenses and related punishments as falling into two categories, i.e., the "base" offense which yielded a combined ten year sentence plus five years probation on release, plus a $25,000 fine, and, the "jury tampering" offense which resulted in the imposition of an additional eight years of prison time, bringing the maximum sentence to 18 years, plus five years probation on release, plus a $25,000 fine and with a special provision barring parole eligibility prior to 58 months of imprisonment. Broken down into these separate elements, it is glaringly apparent that the sentence, in its parts, and, in the sum of its parts, is exceedingly harsh and grossly disparate in nature. We feel strongly that there is not a modicum of "fundamental fairness" in any of its elements. The severity of the "base" sentence cannot now be justified by reference to Dozier's post conviction violations. Conversely, the harshness of the sentence handed him on the latter offense is not explained by the fact of an unduly severe "base" sentence. No such reasoning can make this sentence "fit" the crime.

With respect to the possible consideration of the "jury tampering" offense as an aggravating factor, we urge you to note that these charges were decided by the Court in the context of a probation violation hearing and that Gilbert Dozier has not been properly tried and convicted of the substantive offense of obstruction of justice. And, even assuming for the sake of argument that such was the case, eight years of additional prison time is an uncommonly severe punishment for such an offense. The case of The United States V. Michael O'Keefe cited in our original supporting Memorandum is particularly pertinent in this regard. O'Keefe, Louisiana State Senate President, was convicted in the U.S. District Court for the Eastern District of Louisiana on one count of mail fraud (18 U.S.C. §1341) and two counts of obstruction of justice (18 U.S.C. §1503), specifically entailing his directly contacting a witness during the course of the trial in an

attempt to intimidate and influence that witnesses's testimony. O'Keefe was convicted on all counts and sentenced to a total of sixteen months in prison. Subsequently, O'Keefe was indicted again on ten counts of bank fraud, tried in the same court and convicted on all ten counts. He was sentenced today, March 14, 1984, to 2 years imprisonment on count one to run concurrently with his sixteen month sentence on the previous mail fraud and obstruction of justice convictions. Sentence was suspended on counts two through ten of the second conviction with a fine of $10,000. The result of these proceedings was a "net" eight months additional prison time for a second offender previously tried and convicted on a charge of obstruction of justice entailing acts much more immediate and direct, and, patently more offensive than those allegedly committed by Mr. Dozier.

We have advised you of Mr. Dozier's efforts to cooperate, when requested to do so, with federal prosecutors in the course of various on-going investigations. You have in your files letters from four U.S. Attorneys, including the Chief of the Organized Crime Strike Force in New Orleans, documenting these cooperative efforts. The latest of these letters, one dated January 12, 1984, from Joseph Cage, Jr., U.S. Attorney for the Western District of Louisiana, confirms actions by Mr. Dozier amounting, in Mr. Cage's words, to "meritorious service to the Government". At the very least, the fact of Gilbert Dozier's valuable and meritorious service in this regard should be considered to completely mitigate the aggravating nature of the obstruction of justice charges against him. Further, we submit that such cooperation and service should be the basis for action effecting his immediate release from prison. (You are aware of the Ford case where a fellow inmate, convinced by Mr. Dozier to cooperate with federal authorities in the context of a drug investigation, was released immediately in consideration of such cooperation.) As a consequence of his efforts to assist the government, Mr. Dozier has subjected himself to considerable risks. We urge you to immediately consider these aspects of the case and take appropriate action.

We have asked you to recommend a reduction in Mr. Dozier's sentence in conformity with applicable Parole Commission guidelines and have argued for an Offense Category Four classification dictating a range of 14 to 20 months of imprisonment. Mr. Dozier has now served 22 months incarceration and has paid a $25,000 fine. Even by the strictest of interpretations of the Commission's Offense Behavior Severity Index, Dozier's parole prognosis would fall into the lower to mid range of Offense Category Five, i.e., 24 to 36 months recommended total time to serve. We respectfully submit that the Commission's Guidelines are an unquestionably objective standard for you to employ in correcting the error of Mr. Dozier's sentence, and now urge that a recommendation be made for a reduction in all components of that sentence to time served.

We recognize and appreciate the "arithmetical" impact of such a major reduction in sentence, but, strongly believe that considerations of fundamental fairness and justice should prevail regardless of apparent "arithmetical" appropriateness. The appropriate end to this case should be the imposition of "deserved punishment", i.e., a sentence that "fits" Gilbert Dozier's crime, without undue regard for the structure or length of

the original sentence which is positively and demonstrably unfair. Even by the strictest standards of "justifiable vengeance", Gilbert Dozier has paid for his crime. The effect of Executive Clemency should be his immediate release from prison, not a moderate reduction in sentence or a transfer of this matter to the Parole Commission for further consideration. Your office has given Mr. Dozier's case thoughtful consideration and expert analysis. The Bureau of Prisons has thoroughly reviewed the file and the Bureau Director has recommended a reduction in sentence. By any standard this matter is ripe for adjudication. Nothing is to be gained by a lengthy repeat of this process in the context of Parole Commission proceedings. And, no purpose is to be served by keeping Gilbert Dozier in prison one day beyond the term of his current sentence.

We thank you and your staff for your very professional and fair consideration of this case.

Respectfully submitted,

John Stanish

John M. Stuckey, Jr.

JMS,Jr:cen

cc: Mr. Lowell Jensen
Associate Attorney General
United States Department of Justice
10th & Constitution Avenue
Washington, D. c. 20530

The Washington Post

DATE: 7-27-84
PAGE: A3

...cent Commutation by Reagan Stirs Controversy in Louisiana

By Howard Kurtz
and David Hoffman
Washington Post Staff Writers

President Reagan has stirred up a political controversy in Louisiana by commuting the 18-year jail sentence of a former state official convicted of extortion and racketeering whose advocates included former White House aide Lyn Nofziger.

The commutation was granted June 22 to former Louisiana agriculture commissioner Gilbert L. Dozier, an elected Democrat who was convicted in 1980 of demanding $329,000 in campaign contributions from farmers and industry officials in exchange for permits issued by his department.

Prosecutors said the shakedowns involved licenses and regulatory approvals for milk cooperatives, cattle auctioneers, pesticide makers and others. They said there was evidence that four people gave Dozier $21,000 and that some large companies were asked for as much as $50,000 to $100,000.

A federal judge increased Dozier's sentence after the conviction when prosecutors charged that he had tried to bribe a juror in the case in an effort to win a new trial. Prosecutors also introduced testimony that Dozier had inquired about contracting to kill an unnamed person in the case.

Nofziger and two of Dozier's lawyers met with Associate Attorney General D. Lowell Jensen and other Justice Department officials last November to press the clemency petition. Several Reagan administration officials and private attorneys said that Nofziger was representing Dozier and that they believe he was paid for his efforts.

Rep. W. Henson Moore (R-La.) said White House chief of staff James A. Baker III recently told him that Nofziger also tried unsuccessfully to discuss the case with White House officials.

Reagan's decision followed the recommendation of the Justice Department, which said Dozier's sentence was much longer than the average term imposed in similar cases. The commutation cut the sentence to six years, making Dozier, who has served 25 months in prison, eligible for parole.

Moore said that "90 percent of my constituents" believe that political influence was involved, "that someone got to the president of the United States and he let Dozier out. It's hurt the president in Louisiana. Gil Dozier is an albatross around the president's neck."

He said Nofziger's involvement "gives just the scintilla of evidence that causes the thing to stink."

More than a month after the commutation, the presidential action is still generating headlines, letters to the editor and condemnations from many public officials.

Nofziger, a longtime Reagan confidant who runs a public relations firm and serves as an unpaid consultant to the Reagan-Bush campaign, yesterday declined to answer questions about his efforts on Dozier's behalf.

"I do not discuss my clients or what I do for them," he said. "I have nothing further to say about it."

Reagan told aides this week that he had not been aware of Nofziger's involvement in the case, according to a White House official.

This is the 10th commutation granted by Reagan out of 588 requests. The others were granted to embezzlers and other white-collar criminals, including former Maryland governor Marvin Mandel, who served 19 months in prison on mail fraud and racketeering charges, and co-defendant W. Dale Hess.

A Justice Department spokesman said the Dozier case was handled routinely and that the commutation was recommended in March by career lawyers in the department's Office of Pardon Attorney and approved by Jensen.

"The recommendation considered the disparity of the original prison sentence as compared to sentences imposed in similiar circumstances on like offenders for similar offenses," an internal Justice Department document said.

Other factors included Dozier's cooperation with law enforcement authorities, the prison time he has served, his payment of a $25,000 fine, federal parole guidelines and the lack of deterrent effect of further incarceration, the document says.

The commutation was granted over the objections of the sentencing judge and the U.S. attorney who handled the case.

"Any reduction of sentences . . . would seriously interfere with the administration of justice and the protection of our jury system and would, in my opinion, lessen the confidence the public has in our criminal justice system," U.S. District Court Judge Frank J. Polozola wrote the Justice Department.

Stanford O. Bardwell Jr., the U.S. attorney in Baton Rouge, said Dozier's case was the first time a federal racketeering statute was used to convict a Louisiana official.

"Dozier's conviction was symbolic to all the little people who had had the touch put on them by one politician or another over the years," Bardwell said. "The general feeling in the public here is that the sentence was appropriate."

Bardwell said that court statistics cited by the Justice Department were "distorted" and that Dozier received only a quarter of the maximum possible sentence for extortion and racketeering.

Bardwell said he informed the department that he and John Volz, the U.S. attorney in New Orleans, interviewed Dozier at length last year, But he denied that Dozier is a potential witness in any ongoing investigation, saying that some of Dozier's allegations could not be confirmed and others were refuted. "It proved to be a dead end," Bardwell said.

Volz said he also had no ongoing probe involving Dozier. The third U.S. attorney in Louisiana could not be reached.

Dozier's campaign for commutation was run by three of his lawyers: John Stanish of Indiana, the Justice Department's pardon attorney under President Carter; Curtis Crawford of Missouri, who served on the U.S. Parole Commission in the Nixon-Ford years, and John Stuckey Jr. of Georgia, who worked in the Nixon White House.

The petition, filed in January, 1983, was accompanied by letters of recommendation from New Orleans Mayor Ernest Morial and two university presidents in Louisiana.

"The Dozier sentence was just way out of line . . . . It was a ridiculous sentence for a white-collar first offender," said Stanish, who attended several meetings with Justice officials, including the one with Nofziger. A department spokesman said such meetings are not unusual in clemency cases.

The Justice Department recommendation went to White House counsel Fred F. Fielding, who prepared a summary for top White House aides. Reagan, who may wait a year or more before acting on such requests, generally follows the department's recommendation.

John Cade Jr., who was Reagan's 1980 campaign chairman in Louisiana, said Nofziger had asked him about the Dozier case at a May 14 meeting of Reagan campaign officials in Dallas.

Cade said Nofziger was familiar with the case and asked "what I thought about the severity of the sentence." Cade said he wasn't sure whether Nofziger was representing Dozier or gauging the political impact for the administration.

Parole officials are to decide in two weeks whether to release Dozier from a Fort Worth prison.

"I'm convinced the president doesn't know to this day who Gil Dozier is, that this was put on his desk and he was told to sign it," Moore said. "If they had asked anyone in Louisiana they would have received the same advice: 'Don't touch it with a 10-foot pole until after the election.' "