



U.S. Department of Justice

Enron Task Force

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(202)353-7225

September 30, 2005

**BY FACSIMILE (713) 227-8750 and FIRST CLASS MAIL**

Tom P. Allen, Esq.  
McDaniel & Allen  
1001 McKinney Street, 21<sup>st</sup> Floor  
Houston, TX 77002

Re: United States v. Ben F. Glisan, Jr.

Dear Mr. Allen:

Approximately eight months ago, you informed the Department of Justice ("the Department") that your client, Ben F. Glisan, Jr. was willing to continue providing assistance to the Department notwithstanding the Department's position that it would not (and will not) move for a reduction in his sentence. The Department informed Mr. Glisan and you that if Mr. Glisan decided to provide additional assistance to the Department, the Department would take steps to ensure that Mr. Glisan would not suffer any penalty or harm as a result of his efforts to provide any assistance.

Mr. Glisan and you expressed concerns about the adverse impact of Mr. Glisan providing assistance to the Department on (1) his personal security and (2) his participation in the Bureau of Prisons' ("BOP's") Residential Drug Abuse Program ("RDAP"), for which the BOP had already deemed him eligible.<sup>1</sup> The Department informed Mr. Glisan and you that if Mr. Glisan continued to provide assistance to the Department, the Department would ensure that his assistance would not (1) cause increased physical security issues or (2) cause Mr. Glisan to lose his opportunity to participate in the RDAP program when first eligible.

Accordingly, the Department agreed (1) to support Mr. Glisan's request to be transferred to a minimum-security facility (thus mitigating his physical security concerns); and (2) to ensure that Mr. Glisan's efforts to assist the Department would not interfere with his participation in

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<sup>1</sup> RDAP is a BOP program designed to ensure that "every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment." See 18 U.S.C. § 3621(e)(1). BOP program statement 5330.10 defines substance abuse to include alcohol abuse.

RDAP or the benefits he would receive upon successful completion of RDAP.<sup>2</sup>

Mr. Glisan and the Department believe that had Mr. Glisan not attempted to assist the Department, he would have been eligible to participate in RDAP starting July, 2005. Assuming successful completion of the program, Mr. Glisan's entry into RDAP in or about July, 2005 would have made him eligible for the full one-year reduction in sentence for which the program provides.

The Department's request that Mr. Glisan be transferred to a different BOP facility to ensure that Mr. Glisan's physical safety was not compromised had the unanticipated effect of delaying Mr. Glisan's entry into RDAP from July, 2005 until December, 2005. This delay of Mr. Glisan's RDAP entry date from July, 2005 to December, 2005 would have caused Mr. Glisan to be eligible for only a 10-month reduction of sentence, instead of the 12-month reduction of sentence that he would have received had he not attempted to provide assistance to the Department.

To ensure (1) that Mr. Glisan does not suffer an increased period of incarceration as a result of his efforts to provide assistance to the Department; and (2) that Mr. Glisan is not subject to increased security risks due to his efforts to debrief with the Department, the Department agrees to the following:

(a) The Department agrees that Mr. Glisan will start RDAP at Federal Prison Camp ("FPC") Beaumont on or about December 22, 2005, the date for which he is currently eligible. The Department further agrees that upon his successful completion of the residential portion of RDAP, Mr. Glisan will be transferred from the FPC to home confinement, where he will be required to complete the Transitional Drug Abuse Program ["TDAP"].<sup>3</sup> Assuming successful completion of TDAP, the Department agrees that Mr. Glisan shall not be required to serve more than four months of home confinement upon release from FPC Beaumont. The Department agrees that Mr. Glisan's expected release date from BOP custody is on or about January 20, 2007.<sup>4</sup> Mr. Glisan is responsible for completing all

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<sup>2</sup> RDAP requires an inmate, among other things, to participate in a nine-month residential treatment program with no more than a two-week absence from the program.

<sup>3</sup> BOP Program Statement 5330.10 permits inmates to complete TDAP in a Community Correction Center or in home confinement. Mr. Glisan is responsible for providing his own transportation to and from the TDAP classes.

<sup>4</sup> Mr. Glisan's expected release date in January 2007 is on or around the same date that Mr. Glisan would have been released from custody had he served the remainder of his sentence at FCI Bastrop Low, had entered RDAP there in July, 2005, and had successfully completed RDAP. This release date assumes that Mr. Glisan incurs no disciplinary infractions

