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Clemency sought for imprisoned UBS whistle-blower

By CURT ANDERSON (AP) – 43 minutes ago

MIAMI — An imprisoned ex-Swiss banker credited with exposing widespread tax evasion at Swiss bank UBS AG is seeking clemency from President Barack Obama, his attorneys said Wednesday.

Lawyers at the Washington-based National Whistleblowers Center said they will file a clemency petition Thursday for Bradley Birkenfeld, timing it to coincide with the day U.S. income tax returns are due for most people. The petition seeks a reduction in Birkenfeld's three-year-plus sentence for a fraud conspiracy conviction to time served since he reported to prison Jan. 8.

The Justice Department has acknowledged Birkenfeld, 45, was vital in the UBS investigation, but was prosecuted because he failed to disclose his own wrongdoing quickly enough. The probe resulted in a \$780 million fine against the bank and an unprecedented agreement requiring UBS to turn over names of some 4,450 suspected American tax dodgers to the Internal Revenue Service.

"On Tax Day, it is absolutely critical that President Obama send a message that whistle-blowers are welcome in the United States," said Stephen Kohn, executive director of the Whistleblowers Center and one of Birkenfeld's attorneys.

The Justice Department, which handles clemency requests for the president, declined to comment Wednesday. Such petitions generally remain under review for months; Obama has not yet granted a pardon or reduced a prison sentence despite receiving more 2,300 requests, according to Justice Department figures.

In the petition, Birkenfeld said that he met with federal investigators voluntarily "at his own expense and risk to his life" and provided them with hundreds of internal documents "recording the illegal actions of UBS" and naming dozens of wealthy American tax cheats. Birkenfeld is a U.S. citizen who lived in Switzerland for 15 years.

Prosecutors, however, said he withheld information about his own dealings with California billionaire Igor Olenicoff, a former UBS client who pleaded guilty in 2007 to tax charges. Yet Birkenfeld said he did provide disclosures about Olenicoff before he was indicted in the South Florida tax case.

Birkenfeld is currently scheduled for release from a Pennsylvania federal prison on Nov. 29, 2012, according to the U.S. Bureau of Prisons. Prosecutors have said they may seek a sentence reduction in return for Birkenfeld's continued cooperation, but have not done so yet.

The Whistleblowers Center is also starting online petition drive urging Obama to grant Birkenfeld clemency.

On the Net:

- Whistleblowers Center: <http://www.whistleblowers.org>
- Justice Dept. Office of Pardon Attorney: <http://www.justice.gov/pardon/>

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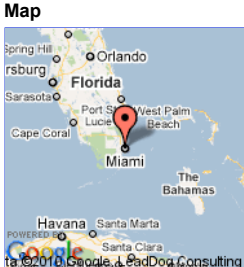
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FILE - This undated handout photo released by the National Whistleblowers Center, shows former UBS employee Bradley Birkenfeld. Birkenfeld, the imprisoned ex-Swiss banker credited with exposing widespread tax evasion at Swiss bank UBS AG is seeking clemency from President Barack Obama, his attorneys said Wednesday, April 14, 2010. (AP Photo/National Whistleblowers Center, File)



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