

NEW YORK STATE

Influence-Peddling Trial Begins for a Pataki Fund-Raiser

By ALAN FEUER

Asserting that a "pipeline" of political corruption stretched from Gov. George E. Pataki's campaign headquarters to the highest levels of the state criminal justice system, a federal prosecutor charged yesterday that a volunteer fund-raiser had illegally promised favorable parole rulings for three felons in exchange for donations to Mr. Pataki's 1994 election campaign.

A lawyer for the fund-raiser, Yung Soo Yoo, called the government's accusations "a fairy tale" and argued there was no connection between the campaign donations and the parole of the sole prisoner who was released.

The lawyer insisted that Mr. Yoo, a New Jersey businessman who was often asked by the Republican Party to raise funds among Korean-Americans, was simply "trying to do a good deed" by advocating the prisoners' release, and that he was caught in the unfortunate crosswinds of political interest.

The case against Mr. Yoo stems from a two-and-a-half-year federal investigation into accusations that Pataki officials used the promise of early parole to help fill the governor's campaign coffers. While the federal prosecutors overseeing the investigation have repeatedly said there is no evidence that Mr. Pataki participated in or had knowledge of the various crimes alleged, the case has proved embarrassing for his administration, which has sought to eliminate parole entirely and has made it tougher for violent felons to win release on parole.

The opening statements in the campaign corruption trial, which began yesterday in Federal District Court in Brooklyn, presented starkly different versions of the dealings among Mr. Yoo, officials close to Mr. Pataki and the families of the three felons, John Kim, Bo Young Chung and James Jhang. The three were convicted of several crimes, including armed robberies and attempted murder.

Federal prosecutors contend that Mr. Yoo acted illegally by promising the families that he would use his political clout to get their sons paroled if they donated more than \$36,000 to Mr. Pataki's election campaign. But Mr. Yoo's lawyer, Nicholas DeFeis, contended there was no influence-peddling plot, in part because Mr. Kim, the only one to eventually be released, was qualified under state guidelines for parole.



Steve Hart for The New York Times

Yung Soo Yoo, center, leaving federal court in Brooklyn. Mr. Yoo is accused of promising favorable parole hearings to campaign donors.

An accusation of parole exchanged for donations.

In her opening statement yesterday, Margaret Giordano, who is prosecuting the case for the United States attorney's office in Brooklyn, laid out a detailed map of how the families' desire for their sons' parole traveled through Mr. Yoo to officials in Mr. Pataki's campaign office, the State Office of Community Affairs and the State Division of Parole.

Ms. Giordano said this "pipeline" was possible because Mr. Yoo was friendly with Patrick Donahue, Mr. Pataki's campaign finance director, and Grace Koh, who worked as a liaison to Asian constituents in the Community Affairs office.

Ms. Giordano said that before the 1994 election, Mr. Yoo and Mr. Donahue secretly met with the families and promised to work to secure parole for the three prisoners in exchange for the donations. "Give me three more months and I'll make good," Ms. Giordano quoted Mr. Don-

ahue as saying to the families.

Neither Ms. Koh nor Mr. Donahue has been charged in connection with the case. Mr. Donahue's lawyer, Thomas Puccio, did not return phone calls yesterday seeking comment. Andrew Lawler, Ms. Koh's lawyer, was unavailable for comment.

After Mr. Pataki took office, Ms. Giordano said, Ms. Koh "sent signal after signal" to officials of the parole board, who received her message clearly: "The governor's office is calling and John Kim better be released."

To that end, Ms. Giordano said, Ms. Koh assembled parole documents for Mr. Kim and sent them to Brion D. Travis, the chairman of the parole board. Ms. Giordano added that Mr. Travis then held a secret meeting with one of his deputies, Ronald Hotaling, in which, according to the government, Mr. Travis said he was "getting a lot of heat from the governor's office" about Mr. Kim's release.

Mr. Hotaling, who pleaded guilty in the case last year, relayed the message to a pair of parole commissioners, the government said, who eventually decided to release Mr. Kim in April 1996. One of the commission-

ers, Sean McSherry, was found guilty in August 1999 of lying to a federal grand jury about the case. The other commissioner, Leo S. Levy, was charged last month with misleading investigators in the case.

In his opening statement, Mr. DeFeis said that Mr. Kim was released not because of any illegal intercession by Mr. Yoo, but because he was an "ideal candidate" for parole. Mr. DeFeis said Mr. Kim's parole file contained a recommendation for parole from the officer who arrested him on armed robbery charges in Queens years ago and a similar letter from one of his victims.

Mr. DeFeis also contended it was the prisoners' families, not Mr. Yoo, who were attempting to secure parole for the men through bribes. "They are the bribers and the intended corrupters," Mr. DeFeis said. "They were the ones who went to Mr. Yoo with bad intentions."

Mr. Yoo, he said, was interested only in doing a good deed. And in return, Mr. DeFeis said, "he received nothing for this — not public office, not a dime, nothing but aggravation."

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Pataki Fund-Raiser Is Guilty Of Obstruction of Justice

By ALAN FEUER

A Brooklyn jury convicted a volunteer Republican fund-raiser yesterday of obstruction of justice for covering up his role in an alleged plot to help three Korean-American families get their sons out of prison in exchange for more than \$30,000 in contributions to Gov. George E. Pataki's 1994 election campaign.

But the same jury did not reach a verdict on the question of whether the fund-raiser, Yung Soo Yoo, actually promised his assistance in getting the imprisoned men released on parole in exchange for campaign contributions. The judge who presided over the two-week trial in Federal District Court in Brooklyn said that the deadlocked campaign corruption charges would be heard at a new trial, to begin on September 18.

The case against Mr. Yoo, a prominent New Jersey businessman who was often tapped to raise money among Korean-Americans in the New York region, stemmed from a two-and-a-half-year federal inquiry into accusations that Pataki officials used the promise of early parole to help fill the governor's campaign coffers. The prosecutors overseeing the investigation have repeatedly said there is no evidence that Mr. Pataki participated in or had knowledge of the various crimes alleged.

But from the start, the trial had the veneer of scandal as several Pataki aides were mentioned in courtroom testimony and Mr. Pataki's own former campaign finance director, Patrick Donohue, was called to the witness stand, where he underwent a scathing cross-examination by the government.

Nevertheless, jurors who spoke about their deliberations after the verdict said no single piece of evidence had proved Mr. Yoo's guilt to them. Instead, some said they were persuaded of Mr. Yoo's guilt by a slow and steady compilation of the evidence.

"The majority of the jury did find that the defendant was guilty of most of the corruption charges," said a juror from Queens who would provide only his first name, Jonathan. "But we didn't think there was any really strong evidence there. It was more cumulative over the two weeks."

Mr. Donohue, who was never charged in the case, presented the

most intriguing testimony. The federal government contended that he was aware political favors were promised in exchange for campaign donations — an allegation that he vehemently denied on the witness stand.

At least two jurors, however, said they were convinced that Mr. Donohue knew more about the alleged parole-for-contribution scheme than he admitted. "Yeah, I think Donohue knew what was going on," said William, a juror from Brooklyn, who refused to give his last name.

The government maintained throughout the trial that Mr. Yoo, 63, approached three Korean-American families from Queens at a series of fund-raising events before the 1994 gubernatorial election and said he could help get their sons out of jail if they contributed to Governor Pataki's campaign. The sons — John Kim, Bo Young Chung and James Jhang — were convicted of several violent crimes, including armed robberies and attempted murder. Mr. Kim was released on parole two years after the donations by his family were made.

While the jury could not decide whether they believed the government's case on the influencing-peddling charges, they apparently believed that Mr. Yoo tried to conceal his dealings with Mr. Jhang's family. The strongest piece of evidence proving this, some jurors said, was a tape recording of Mr. Yoo telling Mr. Jhang's family to disguise some of the campaign donations as a personal loan to Mr. Yoo.

Margaret Giordano, an assistant United States attorney who tried the case, said she was disappointed. "But we're eagerly awaiting the retrial," she added.

Nicholas DeFeis, Mr. Yoo's lawyer, said he saw the decision as something of a victory for his client. "The jurors seemed to have rejected the corruption angle in the case entirely," he said.

Mr. Yoo, who sat throughout the trial with a sour, dispassionate look on his face, said outside the courtroom: "They still have the wrong guy. This is racial."

He is likely to face less than a year in prison on the obstruction of justice charge, federal prosecutors said.



EX 8-2