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More take the rehab way out

Fastow is the latest corporate convict to seek counseling to cut time off sentence

By PATTY REINERT

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WASHINGTON — When former Enron executive Andrew Fastow was sentenced to six years in federal prison this fall, he asked for drug treatment, citing dependency on anti-anxiety medication that helped him cope with the imposition of his company, the imprisonment of his wife and his prosecution.

If the Bureau of Prisons grants his request, Fastow could reduce his time behind bars by up to one year.

Add in the "good-time" credits he could earn by behaving and Fastow — who once agreed to serve at least 10 years for cheating investors out of millions of dollars — could be on his way home in about four.

Fastow and other Enron executives are joining a growing trend of white-collar criminals trying to reduce their sentences by entering prison-based drug or alcohol rehabilitation — an option not open to violent offenders who go through the same treatment.

Critics question whether Fastow and other white-collar criminals really need drug treatment or whether they are simply trying to game the system.

Critics also complain that corporate criminals are taking up precious slots in prison rehab that could be better used to treat convicts with severe addictions that played a major role in their crimes.

When another Enron felon, Ben Glisan Jr., explained in court last spring that he was in prison rehab to treat a two-glasses-of-wine-with-dinner dependency, Daniel Petrocelli, the attorney defending former Enron CEO Jeff Skilling, pounced.

If Glisan's dinner habits constituted a drinking problem, Petrocelli scoffed, he himself should check into rehab. The exchange prompted Glisan to joke: "You'll get a year off."

Glisan was released to home confinement this fall after serving three years of his five-year sentence for conspiracy to commit wire and securities fraud. When his home confinement is completed in January, he will have shaved one year, eight months from his sentence.

"Have you ever gotten a ticket and gotten it dismissed by taking the defensive driving course? That's what this is," said Rod Jordan, who heads the Severed Enron Employees Coalition.

"I don't think Fastow or Glisan are alcoholics or drug addicts. I don't have personal knowledge of that, but they were working 16 to 18 hours a day every day of their lives while Enron was going strong. Alcoholics usually can't do that," he said. "It's just a way of getting a lighter sentence through the back door."

Treatment defended

Fastow's attorney, David Gerger, and Glisan's attorney, Tom Allen, defended their decisions to request treatment for their clients.

"Andy qualifies medically and we hope the decision will be made by professionals based on medical facts and not on publicity," Gerger said.

Allen said photographic and other evidence showing Glisan partying left little doubt that he could benefit from treatment.

RESOURCES

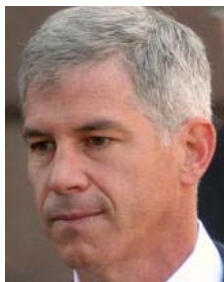
LINKS TO CRIME

Data released last month by the federal Bureau of Justice Statistics shows that for the first time, half of all federal inmates reported using drugs in the month before their offenses, up from 45 percent in 1997. Participation in prison-based drug rehab also has increased, from 39 percent of eligible inmates in 1997 to 49 percent in 2004.

HELP WANTED

White-collar criminals and politicians are increasingly checking into drug or alcohol rehab after run-ins with the law:

- **Former U.S. Rep. Mark Foley** : the Florida Republican who resigned after being confronted with evidence of his inappropriate sexually suggestive messages to teenage male pages checked himself into a rehab clinic;
- **Former U.S. Rep. Bob Ney** : The Ohio Republican pleaded guilty this fall to influence-peddling charges in the Jack Abramoff lobbying scandal and asked to enter the Bureau of Prison's Residential Drug Abuse Program, an intensive, 9-month treatment program within prison;
- **U.S. Rep. Patrick Kennedy, D-R.I.**, who crashed his car into a Capitol Hill police barrier, also turned to rehab, though in the outside world.



Andrew Fastow, former Enron CFO, at his sentencing in Houston. REUTERS

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Celebrity offenders have long turned to drug or alcohol rehab after run-ins with the law. Actor Mel Gibson, for example, blamed alcohol abuse for his anti-Semitic tirade against a Los Angeles sheriff's deputy who stopped him for drinking and driving during the summer.

White-collar criminals and politicians are following suit.

Alan Ellis, a California defense lawyer and sentencing expert, conceded that some white-collar criminals view rehab as a quick ticket home.

"Other people do realize, hey, they'll get some benefit out of it and when people actually get into the program they do get the benefit."

It's up to the prison system to determine whether the inmate has a legitimate diagnosis, and just because a convict asks for treatment in prison doesn't mean he'll get it — even if a judge recommends it.

"Drug and alcohol counselors are real sharp at picking up scammers — those who are in denial, saying they don't have a problem, and those who are faking it and saying they do," Ellis said.

Margie Meyers, who heads Houston's federal Public Defender's Office, which represents low-income criminal defendants, agreed.

"I am pretty much relying on the Bureau (of Prisons) to sort it out," she said. "My experience is the prison system doesn't give white-collar guys any special preferences for this program."

Meyers said her office often seeks drug and alcohol rehab for its clients, even though many don't qualify for the corresponding sentence reduction because they are violent offenders or illegal immigrants who by law cannot be released early.

"I'm sure there are a lot of people applying (to get a shorter sentence)," she said. "On the other hand, the reality is that many folks — my clients or Enron folks or whoever — do have substance abuse problems and it's helpful to deal with those problems."

History of addiction

Prison officials, including Abigail Harris, a spokeswoman at the federal prison in Bastrop where Fastow is likely to serve his sentence, said inmates must have a documented history of addiction to be eligible for treatment.

The program itself is intense, Harris said. Inmates must complete at least 500 hours of classroom work and individual and group counseling in the nine-month program. They are in drug treatment five mornings a week; afternoons are spent working at prison jobs or in educational courses.

In Fastow's case, the debate will go on about his six-year sentence for two counts of conspiracy — whittled from what began as a 98-count indictment that could have sent him to prison for more than 20 years.

But Fastow's sentence is a fraction of what Skilling is likely to serve.

Yet Skilling too hopes to trim his 24-year-plus sentence by enrolling in rehab. And few are balking at his need for the help.

The former CEO has been getting alcohol-abuse treatment on the outside since at least 2004 when he got into a scuffle with patrons of a New York cigar bar after a night of drinking.

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