

JAMES P. SCANLAN  
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August 18, 1997

**PERSONAL AND CONFIDENTIAL**

Claudia J. Flynn, Esq.  
Chief of Staff  
Office of the Assistant Attorney General  
for the Criminal Division  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Re: United States of America v. Deborah Gore Dean, Crim.  
No. 92-181-TFH (D.D.C.)

Dear Ms. Flynn:

This letter addresses two matters. First, in my letter to you dated June 10, 1997, I stated that upon making some corrections to the materials concerning prosecutorial abuses in the referenced case that I had provided to the Department of Justice, the White House, and Independent Counsel Larry D. Thompson, I might provide a copy of those materials to you. Those materials, with some corrections, are included on the enclosed diskette, in WordPerfect 6.0, on Directory 1. A hard copy index to those materials is attached.<sup>1</sup>

Second subsequent to my June 10, 1997 to you, I have written further to Independent Counsel Larry D. Thompson (on July 3, 1997, July 28, 1997, August 13, 1997, and August 18, 1997), and I have written to Associate Independent Counsel Michael A. Sullivan (on July 23, 1997) and to Mark J. Hulkower, Esq. (on July 29, 1997, and August 4, 1997). Mr. Hulkower is with the firm of Steptoe & Johnson, L.L.P., which the Independent Counsel has retained to assist it with a matter in this case. That correspondence, also in WordPerfect 6.0, may be found on Directory 2 of the enclosed diskette. A hard copy index is attached.

Third, the letter to Mr. Hulkower dated August 4, 1997, involves the same issue addressed in my letter to you dated June

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<sup>1</sup> I have not enclosed the attachments to those materials. Should you have any need for the attachments, I would be pleased to provide them.

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10, 1997--that is, the allegation that Independent Counsel attorneys obstructed justice in seeking to resist discovery concerning whether Independent Counsel rebuttal witness Supervisory Special Agent Alvin R. Cain, Jr. committed perjury in this case. Included with the letter to Mr. Hulkower was the same copy of the narrative appendix concerning this matter found as document 01-CAIN.C on Directory 1. Also included was a lengthy document titled "Part V, Independent Counsel Efforts to Prejudice the Jury Against Dean." That document provides some background for appraising whether the Independent Counsel's used Agent Cain's testimony in the manner it did in order to incite racial prejudice.

I would suggest that you review the materials provided to Mr. Hulkower while taking into account the following considerations. I indicated in my letter to you dated June 10, 1997, letter that I entertained few doubts that you were knowingly involved in a conspiracy to obstruct justice in consequence of your evidently being prepared to defend the probation officer's recommendation to increase Deborah Gore Dean's sentencing level on the basis that she had lied about the call to Agent Cain while you and other Independent Counsel attorneys nevertheless believed that Ms. Dean had called Agent Cain. Suppose, however, that I am mistaken in those views, and that your participation in the matter was entirely innocent, for example, because Deputy Independent Counsel Bruce C. Swartz had assured you that he had investigated the matter and concluded that Ms. Dean could not have called Agent Cain.

If such in fact is the case, unless you continue to believe that Mr. Swartz in fact believed that Ms. Dean had surmised that the check showing Louie B. Nunn's \$75,000 payment to John N. Mitchell from an entry in the Inspector General's Report, as he argued to the court in resisting discovery, you nevertheless have some responsibilities based on your earlier involvement in this matter. And your failure to make any effort to discharge such responsibilities by bringing your knowledge concerning this matter to the attention of an appropriate authority ordinarily would be interpreted as suggesting that you were knowingly involved from the outset.

I leave to your own judgment the determination of appropriate persons at the Department of Justice with whom you might address this matter. I suggest, however, that while you certainly should address the matter with Independent Counsel Larry D. Thompson, in light of Mr. Thompson's apparent determination to refuse to address any instances of prosecutorial abuses committed by his predecessors, including such abuses as

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may constitute federal crimes, merely addressing this matter with Mr. Thompson would not adequately discharge your responsibilities.

Finally, let me remind you of the request in my letter dated June 10, 1997, for a listing of the positions you have held with the Department of Justice and the Office of Independent Counsel, along with the dates of those positions. While you obviously have no obligation to provide me this information, I think most government employees at as high a level as yours would readily provide that information to a member of the public regardless of the reason the member of the public sought such information.

Sincerely,

/s/ James P. Scanlan

James P. Scanlan

cc: Larry D. Thompson, Esq.  
Independent Counsel

Mark J. Hulkower, Esq.  
Steptoe & Johnson, L.L.P.

Attachments  
Enclosure