

JAMES P. SCANLAN  
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July 3, 1997

**BY FACSIMILE**

Larry D. Thompson, Esq.  
Independent Counsel  
Office of Independent Counsel  
444 North Capitol Street  
Suite 519  
Washington, D.C. 20001

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

Dear Mr. Thompson:

It has been three months since you sent me your April 3, 1997 letter stating that you were taking under advisement my letter of March 31, 1997, in which I asked you to state whether the document you had represented to me to be a true copy of the original of Government Exhibit 25 was in fact a true copy of that exhibit. Thus, I must once again point out to you, as I pointed out to you in my letters dated May 14, 1997, May 26, 1997, and June 9, 1997, any delay in your responding to my question in order to delay or interfere with my efforts to reveal that the Independent Counsel deceived the court and the defense on this matter would itself violate 18 U.S.C. § 1001.

There are also a significant number of other pending questions impliedly or explicitly posed in my recent correspondence to you. The sooner you respond to them, the sooner a variety of matters can be resolved. Several of these questions are set out below.

1. Do you deny that, contrary to what the Independent Counsel repeatedly represented to the court, Louie B. Nunn did not make his annotation on the Arama consultant agreement concerning John Mitchell's right to half the consultant fee until more than two months after January 25, 1984. Do you deny that Independent Counsel attorneys attempted to lead the court falsely to believe that Aristides Martinez was aware of Nunn's annotation concerning Mitchell in order to increase the chance that the court would allow the Independent Counsel to elicit from Martinez testimony that he had

been told that John Mitchell was related to Deborah Gore Dean and she held an important position at HUD?

2. Do you deny that, contrary to the impression the Independent Counsel created with Government Exhibit 25, Louie B. Nunn's annotation concerning John Mitchell's right to half the Arama consultant fee was not on the consultant agreement enclosed with Aristides Martinez's April 3, 1984 letter to Louie B. Nunn?
3. Do you deny that the Independent Counsel excluded from the report of the May 15, 1992 interview of Aristides Martinez statements by Martinez indicating that he did not know that Mitchell was to receive half the Arama consultant fee?
4. Do you deny that after the court refused to allow the Independent Counsel to elicit from Aristides Martinez testimony that he had been told that John Mitchell was related Deborah Gore Dean and that she held an important position at HUD, Independent Counsel attorneys attempted to lead the courts to believe that John Mitchell's involvement in the Arama project was concealed from Martinez while those attorneys knew that Mitchell's involvement had not been concealed from Martinez?
5. Do you maintain that by deceiving the courts with regard to the above matters, Independent Counsel attorneys did not violate 18 U.S.C. § 1001 or other federal laws?
6. Do you deny that to this day you have not interviewed Agent Alvin R. Cain, Jr. to learn whether he testified falsely concerning his receiving a call from Deborah Gore Dean in April 1989 and that a reason for your failure to question Agent Cain is that you believe that such questioning will reveal either that Agent Cain wilfully committed perjury or that he was persuaded by Independent Counsel attorneys that even though he did remember a call from Dean asking about a check he could nevertheless give the answers he gave in court without committing perjury?
7. Do you maintain that if in attempting to resist discovery concerning whether Agent Cain committed perjury Independent Counsel attorneys attempted to lead the court to believe that Deborah Gore Dean surmised that the check showing the \$75,000 payment from Nunn to Mitchell was maintained in HUD's Atlanta Regional Office from an entry in the HUD Inspector General's Report, while those attorneys in fact believed that Dean had learned that the check was maintained in HUD's

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Atlanta Regional Office from the call to Agent Cain, those attorneys did not conspire to obstruct justice?

8. Do you deny that the statement at page 9 of the Government's Reply to Defendant Dean's Opposition to Government's Motion to Strike Defendant Dean's Motion for Dismissal of the Superseding Indictment or for a New Trial, and to Strike the Memorandum in Support (Mar. 3, 1997) that the Independent Counsel made no misleading arguments in defending against earlier charges of prosecutorial abuse was not a representation by you that Independent Counsel attorneys in fact did not attempt to mislead the court in defending against earlier charges of prosecutorial abuse? Do you deny that such representation was false?
9. Do you deny that in a motion pursuant to 18 U.S.C. § 3553(e) and § 5K1.1 of the United States Sentencing Guidelines in the case of United States of America v. Thomas T. Demery, Crim. No. 92-227-SSH (D.D.C), you represented to the Honorable Stanley S. Harris that Thomas T. Demery had given completely truthful testimony in this case? Do you deny that that representation was known by you to be patently false when made? Do you maintain that if the representation was false, you did not violate 18 U.S.C. § 1001 or other federal laws by making it?.
10. Do you deny that either you have refused to attempt to learn whether Thomas T. Demery was instructed by Independent Counsel attorneys to deny that he had ever lied to Congress or you have known or assumed for some time that Thomas T. Demery was instructed by Independent Counsel attorneys to deny that he had ever lied to Congress?

As you know, there are a great many other questions impliedly or explicitly posed in materials I have provided you where any likely responses that are both exculpatory and truthful are limited to strained arguments as to why it is not a crime for federal prosecutors to willfully deceive courts in attempting to secure convictions or to conceal the prosecutors' own misconduct.

But if I have misinterpreted any of the actions of Independent Counsel attorneys on any of the matters addressed herein or in other materials I have provided you since September 18, 1995, please explain to me how I have misinterpreted those actions in order that I may cease to make any unfounded allegations about the conduct of Independent Counsel attorneys either to you or to any of the other entities to which I will from time to time be making such allegations.

I recognize, however, that your only duty to respond to me concerns the pending question of whether the document you

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represented to me to be a true copy of Government Exhibit 25 in your letter dated March 25, 1997, was in fact a true copy of that exhibit. So, once again, I would appreciate a response to that question as soon as possible.

Sincerely,

/s/ James P. Scanlan

James P. Scanlan

cc: Dianne J. Smith, Esq.  
Deputy Independent Counsel

Michael A. Sullivan, Esq.  
Associate Independent Counsel