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**To:** info@annenbergfoundation.org

**Cc:**

**Date:** Wednesday, July 23, 2008 04:31 pm

**Subject:** Arlin M. Adams Center etc

Attn:

Gail C. Levin, Ph.D.  
Executive Director  
The Annenberg Foundation

Dear Dr. Levin:

In honor of the Honorable Arlin M. Adam, the Annenberg Foundation provides funding for (or has endowed) the Arlin M. Adams Center for Law and Society at Susquehanna University and the Arlin M. Adams Professorship in Constitutional Law at the University of Pennsylvania Law School.

This is to call the Foundation's attention a recently-created web page that addresses prosecutorial misconduct of attorneys under Independent Counsel Arlin M. Adams in the prosecution of *United States of America v. Deborah Gore Dean*. I believe that persons who fully familiarize themselves with the materials made available on the page (and perhaps those who merely read Section B.1 of the introductory material) will conclude that the conduct of attorneys under Judge Adams in the Dean case was heinous and that Judge Adams was much involved with the some of the most egregious acts of those attorneys. At least some readers of those materials may also believe that Judge Adams' actions were motivated by resentment against former Attorney General John N. Mitchell, because, among other reasons, Judge Adams believed Mr. Mitchell kept Judge Adams from the Supreme Court.

Thus, I urge the Foundation to familiarize itself with the materials to determine whether the above statements might be reasonable ones. Then learn Judge Adams' side of the story. Based on the conclusions the Foundation then reaches, it may consider, in conjunction with the referenced universities, whether the center and professorship should continue to bear Judge Adams' name. I have already brought these issues to the attention of the Director and the Steering Committee of the Arlin M. Adams Center for Law and Society, as well as the Dean and the holder of the Adams professorship at the University of Pennsylvania.

With regard to securing Judge Adams' side of the story, the record will show that all the varied responses of Judge Adams and his attorneys to these matters have been evasive and misleading. But if they are forced to specifically address certain issues, I do not think that Judge Adams or his attorneys can cause their actions to be seen in a light materially different from that in which I have portrayed those actions.

The matter addressed in Section B.1 of the introductory materials on the web page provides an obvious initial focus for an inquiry of Judge Adams. Did Independent Counsel attorneys know that the defendant had made the subject telephone call when Independent Counsel attorneys, including Judge Adams, sought to lead the jury and the courts to believe that she did not? If not, what is the explanation for what occurred in that instance? If so, does Judge Adams believe it is permissible for attorneys to put on a witness to provide literally true testimony in order to mislead a jury to believe a defendant lied about a matter when the attorneys know the defendant had told the truth? Assuming that is what the attorneys did, is it permissible to cover up that fact by then leading the court to believe that the defendant had lied regarding the matter?

I recognize that there may be a tendency to regard the described conduct as of diminished significance in light of the passage of time. But, so long as the defendant and the public continue to suffer from the deceitful actions of Judge Adams and his attorneys, such actions are far more reasonably be regarded as continuing ones. And, of course, anything Judge Adams might now offer in defense of those actions, unless absolutely candid, would involve an affirmative perpetuation of that conduct as well as an affront to the Annenberg Foundation.

Finally, I note that I have recently made several efforts to further publicize this matter and for some time am likely to continue to do so in a variety of ways. But regardless of what further actions I may take in this regard, I will see that the web page is maintained for decades into the future. Thus, there exists a reasonable prospect that the public will eventually, and perhaps soon, form a view of this matter that I above suggested readers of the referenced materials would form. If so, the evident incongruity in the honoring of Judge Adams by the referenced universities will detract from the prestige of the very institutions the Foundation wished to advantage by its largesse. Given the goals of the Arlin M. Adams Center for Law and Society, the incongruity of honoring of Judge Adams in its name would be perceived as an acute one. And such perception not only could diminish the interest of students and faculty in affiliations with the center, but could otherwise impede the center in the promotion of its goals.

Notwithstanding the points in the preceding paragraph, however, I believe that an institution with the vision and goals of the Annenberg Foundation – as reflected, among other ways, by its manner of honoring a jurist assumed to be of unquestioned integrity – has a strong institutional interest in addressing this matter regardless of the prospect that there will one day be widespread condemnation of Judge Adams for his role in the Dean case.

Thus, I hope the Foundation will give this matter serious attention.

The page may be found at [Prosecutorial Misconduct in US v Dean](#)

Sincerely,

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