SECOND ADDENDUM TO NARRATIVE APPENDIX STYLED
"TESTIMONY OF SUPERVISORY SPECIAL AGENT ALVIN R. CAIN, JR."
(December 1995)

The Cain Narrative Appendix (at 35-36) leaves open the question of the involvement of Bruce Swartz and Arlin Adams in the decision to call Cain to contradict Dean at trial. More generally, while noting that Swartz seemed to be heavily involved in the details of the case, the Narrative Appendix states that it was not known how large a role Adams had in the details of the case.

With regard to these issues, the following should be noted. Dean testified about calling Cain on her third day of direct examination, Tuesday, October 12, 1993. Her cross-examination commenced on Thursday, October 14, 1993, and continued through Monday, October 18, 1993. Cain also testified on Monday, October 18, 1993, shortly after Dean left the stand. On the morning of Monday, October 18, 1993, O'Neill told the court that Adams typically comes from Philadelphia to Washington on Sundays to discuss the case and that on such occasions "we all talk about the case." Tr. 3051. O'Neill indicated that such a meeting with Adams had occurred on the previous day, Sunday, October 17, 1993. Presumably, Swartz would have been present at such meeting, and the intention to call Cain the following day to contradict Dean would have been discussed.

Thus, it would seem that both Swartz and Adams had been involved in discussions about the calling of Cain and that Adams did involve himself in many details of the trial. Further with regard to Swartz, as indicated in the Second Addendum to the Park Towers Narrative Appendix, it appears that Swartz and O'Neill were together involved in the interviews of Richard Shelby on May 18, 1992 (where Shelby for the second time stated that Eli M. Feinberg was aware of John Mitchell's involvement with Park Towers); the telephonic interview of Feinberg on May 18, 1992 (where Feinberg stated that he was not aware of Mitchell's involvement with Park Towers); the May 19, 1992 re-interview of Shelby (where Shelby firmly stated again that Feinberg was indeed aware of Mitchell's involvement with Park Towers and provided details of Feinberg's role in setting Mitchell's fee); and the May 19, 1992 re-interview of Shelby's employer, Clarence James (where, contrary to his earlier statement, James acknowledged that he did know that Mitchell was involved with Park Towers). Thus, there is reason to believe that Swartz was very much involved in many details of the case, including the decision to elicit Feinberg's sworn testimony that he was unaware of Mitchell's involvement with Park Towers, without confronting him (Feinberg) with Shelby's firm statements that Feinberg did know of Mitchell's role and was even involved in discussions over Mitchell's fee.