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**Date:** Wednesday, July 16, 2008 02:12 pm

**Subject:** Web page on Prosec Misconduct/A Adams

Dear Professors Sobel, Davis, and Martin:

I write to you in your roles as Director, and members of the Steering Committee, of the Arlin M. Adams Center for Law and Society of Susquehanna University.

This is to call your attention to a web page concerning prosecutorial abuses under Independent Counsel Arlin M. Adams in the prosecution of *United States of America v. Deborah Gore Dean*, Criminal. No. 92-181-TFH (D.D.C.):

<http://www.jpscanlan.com/homepage/prosecutorialmisconduct.html>

I created this page very recently and have been and will be taking various steps to call attention to it. As reflected on other parts of the home page, I write about various legal, public policy, or scientific issues, and may attempt to publish a book on this matter. But regardless of what I do with respect to further publication of the matter, I intend to keep these materials available to the public for at least several decades.

Assuming there is eventually widespread awareness of the information made available through this page, I think that the public perception will be that the conduct of attorneys under Judge Adams in the Dean case was heinous and that Judge Adams was much involved with the most egregious conduct. At least some of the public may also believe that Judge Adams's conduct was in part motivated by resentment against former Attorney General John N. Mitchell, because, among other reasons, Judge Adams believed Mitchell from the Supreme Court.

At such time, many will find it incongruous that a center on law and society should be honoring or memorializing Judge Adams as a distinguished jurist. .

Thus, while Judge Adams is still alive, it might be sensible to secure from him his side of the matter. In that regard, I note that I think that 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 they can plausibly 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 page provides an obvious initial focus. 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 attempt to cover up that fact by then attempting to persuade the court that the defendant had lied regarding the matter?.

There are varied other obvious areas of specific inquiry. An obvious area of broad inquiry is whether Independent Counsel attorneys in any manner attempted to mislead the court in responding to allegations of prosecutorial misconduct? If the answer is that they did, one can go on to identifying such instances. If the answer is that they did not, one can, on the basis of the record, evaluate the plausibility of such answer.

Quite apart from the bearing of the referenced page whether a center for law and society should be named after Judge Adams, I suggest that Professor Sobel, as the author of "Prosecutors Rarely Penalized for Misdeeds," *The Daily Item*, Aug. 29, 2007, may well find the page to be generally of interest. I also note that several of Professor Sobel's articles, and several items related to the Adams Center, suggest a special interest in ensuring fairness in the legal system. Thus, the Adams Center is precisely the type of institution I would generally be alerting as to the existence of this page. Examination of the materials made accessible by my page might well be a suitable project for the Adams Center, regardless of what you may so far feel about the merits of my allegations.

Sincerely,  
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