

Direct Testimony of Alvin R. Cain, Jr. of October 18, 1993

The entire direct testimony of Supervisory Special Agent Alvin R. Cain, Jr. is set out below. The purpose of the completeness is to illustrate the apparent basis on which Cain was led to believe the testimony was literally true – that is, that Dean, who called him shortly after the report was made public at the end of April 1989, did not call him “at or about” April 17, 1989, the date the report was issued internally at HUD. See Section B.1 of [Prosecutorial Misconduct in US v Dean](#). As I have explained in several places, the logical antecedent of “that date” seems in fact to be the day Cain provided the report to Dean, rather than April 17, 1989 (though April 17, 1989 is the only literal “date” mentioned.) For that reason, the testimony seems not even to be literally true unless one accepted an extremely literal view as to the meaning of the word “date.”

In the same vein, one might note that after giving “April 17, 1989” as the date the report was “published,” Cain acknowledges receiving a call from Dean “at or about that time.” Thus, “at or about that time” seems to encompass both April 17 and the end of April, while “at or about that date” does not. I am nevertheless persuaded that the notion that “that date” reference to April 17 underlies the Independent Counsel’s persuading of Cain to give the testimony. See my July 8, 2008 to Alvin R. Cain, Jr. http://www.jpscanlan.com/images/Cain_s_07-08-08.pdf.

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10 MR. O'NEILL: Your Honor, the Government would

11 call Special Agent Alvin Cain.

12 THE COURT: All right.

13 (SPECIAL AGENT ALVIN CAIN, WITNESS FOR GOVERNMENT,
14 SWORN)

15 DIRECT EXAMINATION

16 BY MR. O'NEILL:

17 Q Agent Cain, I would ask you to speak in a loud and

18 clear voice so that everyone can hear you, and so that

19 there's no misunderstanding. Sir, would you please

20 state your name for the record, spelling your last name?

21 A My name is Alvin R. Cain, Jr. The last name is

22 spelled C-a-i-n.

23 Q Agent Cain, by whom are you employed?

24 A I'm currently employed with the Office of the

25 Inspector General at the U.S. Department of Housing and

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1 Urban Development here in Washington.

2 Q And in what capacity are you so employed?

3 A I serve as a Supervisory Special Agent.

4 Q What exactly does a Supervisory Special Agent do?

5 A I supervise a variety of investigative efforts that
6 are focused toward protecting the integrity of the HUD
7 programs. Our primary mission is — we're concerned
8 with fraud, waste, abuse and mismanagement within those
9 programs of HUD.

10 Q Where are you currently assigned, sir?

11 A At -- I'm currently working at the Office of the
12 Independent Counsel.

13 Q And how long have you been assigned there?

14 A Since June of 1990.

15 Q Agent Cain, did you have any other previous law
16 enforcement experience prior to joining HUD as a Special
17 Agent?

18 A Yes, prior to HUD I was on active duty with the
19 United States Air Force for 22 years, 20 of which was
20 spent with the Air Force Office of Special
21 Investigations.

22 Q Agent Cain, did there come a point in time when you
23 were involved in a HUD I.G. Report?

24 A Yes.

25 Q And did there come a point in time, as you recall,

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1 that it was published?

2 A Yes.

3 Q And do you recall when approximately that was?

4 A The Section Eight Mod Rehab investigative report
5 was published April 17, 1989.

6 Q At or about the time that was published, do you
7 recall having a conversation with the defendant Deborah
8 Gore Dean?

9 A A telephone conversation.

10 Q And can you recount for the ladies and gentlemen of
11 the jury what if anything was said during that telephone
12 conversation?

13 A As I recall, Miss Dean telephoned me with an
14 inquiry relative to how she could obtain a copy of the
15 investigative report. I related to her that the report
16 was available under the provisions of the Freedom of
17 Information Act. I also explained to her the cost that
18 was associated with obtaining a copy of the report.
19 Basically we had two versions that were being
20 sold under FOIA. The report itself totalled 50 some
21 dollars and the report plus the audit report was 60 some
22 dollars.

23 Q Did she express an interest in either report?

24 A Yes, she did. Miss Dean indicated that she would
25 like to have a copy. I explained to her that she could
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1 send in a written request which we would honor and
2 process or she could come to my office, pay for the
3 report and sign a receipt for the same, and that would
4 be the quickest way to obtain it.

5 Q And, Agent Cain, what if anything did she say to
6 you?

7 A What if anything did —

8 Q Did she say to you.

9 A She told me that she would send Marty over with a
10 check.

11 Q Did you know who Marty was at that time?

12 A I was not entirely clear. I assume Marty was a
13 reference to Marty Mitchell.

14 Q Did there come a point in time when Marty Mitchell
15 came to pay you for the copy of the report?

16 A As I recall, it was the same day.

17 Q What if anything happened?

18 A Marty came into the office. I had placed a copy of
19 the report with a receipt to be signed with my secretary
20 just in case if I was away from the office.

21 Ms. Mitchell came in, gave the check, signed the
22 receipt, took the report and left.

23 Q At or about that date, do you recall any
24 conversation with the defendant Deborah Gore Dean in
25 which she was quite upset with you about the contents of

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1 the report?

2 A No, I do not.

3 Q Do you recall her mentioning John Mitchell to you
4 and the fact that he made money as a consultant being
5 information within the report?

6 A No, I do not.

7 Q Do you recall her telling you that she was going to
8 hold a press conference to denounce what was in the
9 report?

10 A Absolutely not.

11 MR. O'NEILL: No further questions.

12 Thank you, sir.