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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. GERALD W. KINCAID	1	10/20/1983	B6	550
2	LETTER	ROBERT A. MCCONNELL TO GERALD WARREN KINCAID RE. CHILD SUPPORT ORDERS	1	10/27/1983	B6	551
3	CASE FILE	GERALD KINCAID 173956	29	ND	B6	552
4	MEMO	ROBERTS TO HAUSER RE WESTON ADAMS [partial]	1	10/20/1983	B6	930
5	MEMO	ROBERTS TO HAUSER RE WESTON ADAMS [partial]	1	10/4/1983	B6	931

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Letter to James Baker Regarding Redistricting Plan in Texas

Frederick R. Meyer, Dallas County Republican Party Chairman, has written Mr. Baker to complain about the Justice Department decision to clear the apportionment of Congressional seats in Dallas County. The Democratic apportionment scheme preserves white Democratic incumbent seats by splitting minority and Republican blocs. In a strange bedfellows case typical of the Alice-in-Wonderland world of voting rights law, the NAACP and the Republican Party challenged the apportionment. Both wanted a "majority minority" district, the NAACP so that a minority representative would be elected, the GOP because concentrating minority voters in one district would, in the nature of things, increase Republican strength in the other districts.

Brad Reynolds determined that the Voting Rights Act was not violated by the scheme because (1) there was no racial motive underlying the apportionment and (2) there was no dilution of minority voting strength. Reynolds' theory was that minority voters could protect their interests by being a significant force in several districts rather than a dominant force in one. Put simply and a bit crassly, Reynolds could not reject the argument that minority interests would be better served by three white Democratic Congressmen and one Republican, with the Democrats having to obtain a significant number of minority votes, than by one black Congressman elected by most of the minority votes and three Republicans, none of whom had to obtain minority support.

The issue raised by this case - whether the Voting Rights Act is concerned with electing minorities or protecting minority voter strength - is a very basic one that has not been definitively resolved. Both the NAACP and the Dallas County GOP have stated they will challenge the plan in court. Our response on Baker's behalf should avoid comment in light of the fact that litigation is imminent.

Attachment

THE WHITE HOUSE

WASHINGTON

October 20, 1983

Dear Mr. Meyer:

This is in response to your letter of September 29 to James A. Baker III, concerning the Justice Department review under the Voting Rights Act of the congressional districts in the Dallas area. As I trust you will understand, it would be inappropriate for the White House to comment upon this particular matter. We do, however, appreciate having the benefit of your views.

Thank you for writing.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Frederick R. Meyer
5010 Greenville Avenue
Suite 101
Dallas, Texas 75206

FFF:JGR/aa
FFFielding
JGRoberts
Subj.
Chron.

THE WHITE HOUSE

WASHINGTON

October 20, 1983

Dear Mr. Meyer:

This is in response to your letter of September 29 to James A. Baker III, concerning the Justice Department review under the Voting Rights Act of the congressional districts in the Dallas area. As I trust you will understand, it would be inappropriate for the White House to comment upon this particular matter. We do, however, appreciate having the benefit of your views.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Frederick R. Meyer
5010 Greenville Avenue
Suite 101
Dallas, Texas 75206

Republican
Party
OF DALLAS COUNTY

5010 GREENVILLE AVE., SUITE 101
DALLAS, TEXAS 75206
(214) 369-9555

September 29, 1983

Mr. James Baker
Chief of Staff and
Assistant to the President
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

Dear Jim:

Enclosed are the news reports from Dallas. Needless to say, we were terribly disheartened by the decision of Brad Reynolds of the Justice Department. There is, in my opinion, neither justice nor political logic in his position. It is the exact position the Democrats have taken for the last two and one-half years.

At the local level, we will continue to work closely with the NAACP in this lawsuit. It seems to me the national administration lost an extraordinary opportunity to be on the side of justice, good politics and the NAACP.

Very truly yours,

Frederick R. Meyer

Enclosures

The Dallas Morning News

Texas' Leading Newspaper Dallas, Texas, Wednesday, September 28, 1983 H-3 .... 25 Cents

U.S. OKs remap plan; blacks, GOP vow fight

John Wiley Price ... "It means we will probably have to fight it all the way to the Supreme Court, but I can't say that I have real high hopes."

By Stephen Engelberg
Washington Bureau of The News

WASHINGTON — The Justice Department approved a redistricting plan Tuesday that leaves blacks and Hispanics without a majority in any of the four congressional districts in the Dallas area.

Republicans and blacks vowed to challenge the plan in court.

The action, the latest chapter in a two-year redistricting fight, would help protect the seats of Democratic incumbents John Bryant and Martin Frost. Republicans in Dallas would be left with one safe seat — the 3rd District — served by Rep. Steve Bartlett.

Jesse Jones, a board member of the Dallas chapter of the NAACP, said his group either would file a new lawsuit challenging the congressional lines or would intervene in an existing lawsuit.

John Wiley Price, chairman of a bipartisan group that has pressed for the creation of a congressional district that would have a black/Hispanic majority, said, "It means we will probably have to fight it all the way to the Supreme Court, but I can't say that I have real high hopes."

Fred Meyer, Dallas County Republican Party chairman, said, "This just means we will see them in court." The state Republican Party took legal action in 1981 challenging the new congressional plan because it failed to create a minority district.

Some blacks had favored the creation of a single district composed largely of minorities. But the

Please see REMAPPING on Page 6A.

Dallas Times Herald

WEDNESDAY, SEPTEMBER 28, 1983 25 Cents

Texas redistricting plan wins approval

ANN McDANIEL
RICHARD FLY
shington Bureau

VASHINGTON — Concluding that the as Legislature had not discriminated inst black voters in Dallas, the Justice artment on Tuesday approved the e's congressional redistricting plan.

'exas Republicans denounced the deci- and said they intend to proceed with wsuit challenging the reapportionment plan which was approved earlier this year by the state Legislature.

A virtually identical plan resulted in the election of 22 Democrats and five Republicans to Congress in 1982.

In a letter stating that the plan met the requirements of the Voting Rights Act, Assistant Attorney General William Bradford Reynolds said the Justice Department found no evidence that "the legislative judgment was infected by a racial or ethnic motive."

"Our analysis is that minorities in Dallas County have participated freely and sometimes decisively in congressional elections," Reynolds wrote. "They have participated in coalitions with others of similar persuasions. In fact, that appears to have occurred in last year's congressional election in Dallas."

Reynolds appeared to be alluding to the support blacks gave white Democratic incumbent Rep. Martin Frost over black Republican Lucy Patterson in the 1982 election. Frost won re-election.

Texas Republican leaders objected to the plan on the grounds that it diluted minority voting strength and deprived the GOP of a second Dallas County district.

"I would have expected more from a Justice Department that I think should have seen a violation of the intent of the Voting Rights Act," said state Republican Chairman George Strake of Houston. "I am surprised. I thought we had an excellent chance to get a favorable ruling from the Justice Department."

The Republican Party has challenged the Legislature's redistricting plan in federal court in Tyler. The Voting Rights Act allows for any plan approved by the Justice Department to be challenged in the courts.

"Obviously we would rather have had their objection to it. It would help our case," Strake said. "We are prepared to go

See RULING on Page 24

State Republicans to challenge redistricting

RULING — From Page One

ead with our lawsuit in any se."

The NAACP said Tuesday that also would go to court.

"We thought the Justice Dertment would do the right ing," said Ted Watkins, presint of the NAACP's Dallas anch. "They didn't do the right ing, so the next step is the urthouse."

Watkins said a suit would be led against the plan within vhatever time it takes to draw the papers," possibly within a eek.

"This deals a very serious ow," said Jesse Jones, a board ember of the Dallas NAACP ho had tried unsuccessfully to et Gov. Mark White to veto the an. "We had hoped that at least e Justice Department would be le to see the unfairness of the an. It's very disappointing."

NAACP officials told the Jusce Department they thought the an passed this session was a "reession" in minority political ower because it divided the black nd Hispanic communities in outh and West Dallas into two ongressional districts.

A 1981 plan passed under Reublican Gov. William P. Clements Jr. created a minorityominated district along the rinity River. That plan was ruck down by a court in 1982.

Because the 1983 plan divided e minority areas that had been nited in 1981, the NAACP arued it was regression. Justice Dertment attorneys didn't see it that way.

The NAACP has considered joining the state GOP in its suit against the plan, and Strake stretched out the welcome mat in a statement released Tuesday night.

"We feel confident that we will have substantial support (for the suit) from responsible black leadership in Dallas County," Strake said.

But the NAACP leaders said they probably would file a separate action.

"It may be the minority community will instigate action separate and apart," said Jones.

In a three-page letter, Reynolds, who heads the civil rights division, said, "The question of whether minority voters are prejudiced by a plan in which they have a substantial portion of the vote in two districts rather than a majority in one and minimal representation in the other is a complex one. In this case minority contacts are split in their view of the plan. Some argue that it affords them a 'swing vote' in each district to elect favored candidates. Others argue that fairness demands one minority district with a clear majority."

Eighteen months ago the Justice Department rejected the Legislature's redistricting plan on the grounds that it diluted Hispanic voting strength in South Texas. Soon thereafter, a three-judge federal panel changed the plan to comply with the Justice Department's ruling.

But the panel also redrew congressional district lines in Dallas, erasing the minority-dominated district and drawing two districts with about 30 per cent minority voters.

The U.S. Supreme Court later ruled the panel had exceeded its authority by imposing a redistricting plan on Dallas that had not been approved by the Legislature or objected to by the Justice Department. However, the court allowed the 1982 elections to take place under the panel's interim plan. After the election, the Texas Legislature adopted a plan virtually identical to that of the panel and submitted it to the Justice Department for this review.

Republican Rep. Steve Bartlett of Dallas argued that the Justice Department's approval of the second plan amounted to a reversal of its original decision on the Dallas districts.

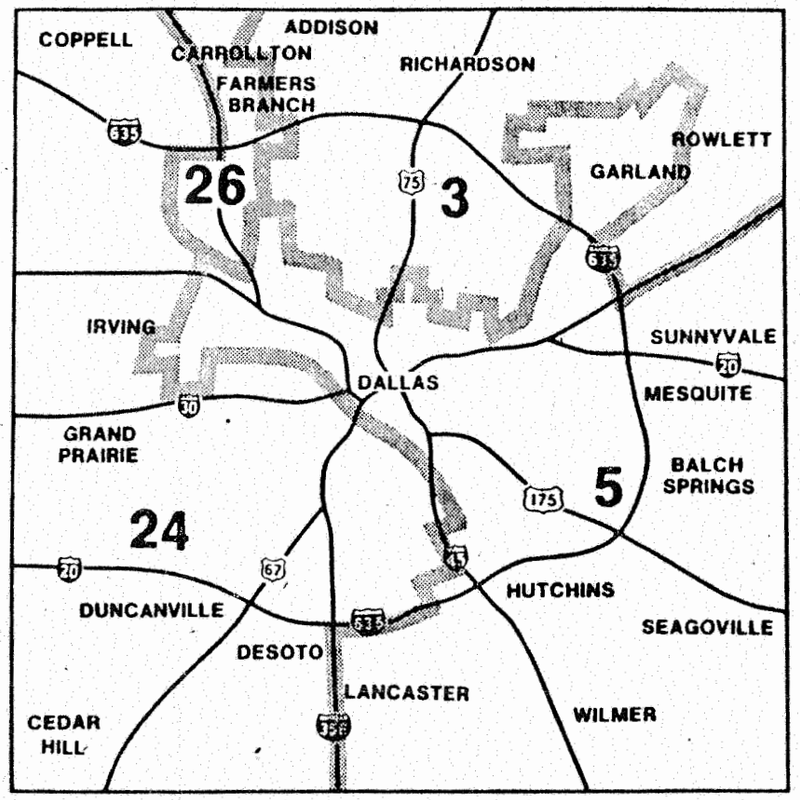
"You can't have it both ways. The Voting Rights Act either requires a minority district in Dallas County, as they ruled a year ago, or it prohibits it, as they rule today," Bartlett said.

In his letter to Texas Secretary of State John Fainter Jr., Reynolds said the department was following the advice of the Supreme Court, which said in its ruling that deference should be paid to the Legislature absent "any finding of a constitutional or statutory violation."

Reynolds said the approved plan includes six districts in which minorities are able to elect the candidate of their choice.

Only five Republicans were elected under the virtually identical plan in 1982, but they picked up a sixth seat earlier this year when Democratic Rep. Phil Gramm resigned from Congress and was re-elected in a special election as a Republican.

Staff writer Ford Fessenden also contributed to this story.



— Staff map

The Texas congressional redistricting plan drawn in 1983 and approved by the Justice Department Tuesday retains the Democratic 5th and 24th Districts and the Republican 3rd District. It alters the Denton-Arlington 26th District by adding parts of Carrollton and Farmers Branch and subtracting Republican areas of Plano in Collin County.

Editorials

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JIM WRIGHT, *Editorial Page Editor*

Congressional Districts:

Necessary Challenge

REPUBLICANS and blacks plan to challenge in court the latest gerrymander of Dallas County's congressional seats. Though they are unlikely to succeed, a matter of no little principle is at stake.

The U.S. Justice Department may find the redistricting plan non-discriminatory, but it's nothing of the sort. What it does, in a nutshell, is slice up the black and Republican vote so creatively as to protect the seats of white Democratic congressmen Martin Frost and John Bryant.

Under a previous legislative plan, Bryant's district was to be mostly Republican, Frost's mostly black — in recognition of altered political realities. However, two federal judges (a third, to his credit, dissented) threw out the plan, instituting one drawn up by Frost himself, and by Congressman Jim Wright of Fort Worth.

The judges, so the 1984 *Almanac of American Politics* explains, "wanted to maximize Democratic representation in the Dallas area on the theory that this was the way to fulfill the mandates of the Voting Rights Act — a cockamamie theory if ever there was one."

The Supreme Court, though similarly persuaded, let the plan stand for the '82 elections; the '83 Legislature, lacking a Republican governor to chivvy it along, wrote the plan into law. And now the Justice Department's experts say that's fine by them.

Well, the plan isn't fine at all, either in reasoning or in results. The federal court's theory was that forcibly splitting up the black vote actually enhances black political power, because that way two white congressmen, rather than just one black one, must then court black votes. To this preposterous theory clings the moldy odor of the Jim Crow era.

As to results, the plan merely entrenches a fast-fading status quo. Though minorities are 27 percent of the Dallas County population (39 percent in the City of Dallas), they elect no congressman. Though Republicans increasingly carry the county in national, statewide and local races — and control, inter alia, the commissioners court — they elected in 1982 just one congressman out of four. (Phil Gramm, a post-election GOP convert, now is relinquishing the 6th District's traditionally Democratic seat to run for the U.S. Senate.)

As we say, the redistricting plan may well stand up in court, both the Justice Department and the Legislature having blessed and sanctified it. But that is no argument for leaving undisturbed a scheme that will affect the way Dallas County is represented for the next 10 years. A court challenge is not only welcome but necessary.

Louisiana Plan For Redistricting Is Struck Down

Proposal, Cleared by Justice Agency, Found by Court To Dilute Black Votes

By Robert E. Taylor
And Monica Langley
Staff Reporters of The Wall Street Journal

A federal court struck down a Louisiana congressional redistricting plan backed by Republican Gov. David Treen and cleared by the Justice Department, saying it unlawfully dilutes black votes.

Lani Guinier, an attorney for the NAACP Legal Defense Fund, said it was the first time a court has invalidated a redistricting plan under the Voting Rights Act that has first been approved by the Justice Department. She claimed that the ruling shows that the Reagan administration "isn't enforcing the law."

Lawyers challenging the plan produced evidence that the Justice Department's Civil Rights Division staff recommended objecting to the redistricting plan. But after at least two meetings and nine telephone conversations with Gov. Treen, Assistant Attorney General Bradford Reynolds declined to raise any objection to it.

A Justice Department spokesman declined to discuss the department's consideration of the Louisiana plan, but noted that Attorney General William French Smith and Mr. Reynolds have repeatedly asserted that they are vigorously enforcing the civil rights laws in general and the voting rights law in particular.

In the Louisiana case, both houses of the state legislature first approved a plan that would have created a New Orleans-based district with a 54% black majority. Gov. Treen threatened a veto. Some legislators then privately worked out a plan that split the black voters by combining predominantly white Jefferson Parish with an overwhelmingly black portion of downtown New Orleans. This plan was enacted.

The court said Gov. Treen opposed "the concept of a majority black district" because he said it "smacked of racism, and in any case wasn't constitutionally required."

Responding to the ruling, Gov. Treen issued a statement yesterday denying that he had opposed a district with a black majority. He said he had objected that the first plan produced by legislators would have "drastically altered" the first congressional district, represented by Republican Bob Livingston, a friend of the governor.

But the court said the governor can't protect incumbents "by imposing an electoral scheme which splinters a geographically concentrated black populace within a racially polarized parish, thus minimizing the black citizenry's electoral participation."

The court gave the state until next Jan. 31 to enact a lawful redistricting plan, and Gov. Treen pledged to call a special legislative session to do so.

The NAACP Legal Defense Fund's Miss Guinier, one of the attorneys challenging the Louisiana plan, branded the Justice Department's refusal to block it as an "appalling . . . intrusion of politics into civil rights law enforcement."

She has previously charged that Mr. Reynolds, head of the agency's Civil Rights Division, withdrew a letter from his staff asking for information about Gov. Treen's role in blocking the initial plan. Mr. Reynolds said the letter was "rude," according to Miss Guinier. She also has questioned the propriety of his admitted backdating of his memo explaining his reasons for clearing the state's plan.

Mr. Reynolds couldn't be reached. While declining to respond on specifics, the department spokesman noted that the agency evaluated the Louisiana plan under Section 5 of the Voting Rights Act, which is less broad than Section 2 of the act, under which the court struck down the redistricting plan.

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DOC NO	Document Type / Document Description	No of pages	Doc Date	Restrictions	
1	MEMO JOHN G. ROBERTS TO FRED F. FIELDING RE. GERALD W. KINCAID	1	10/20/1983	B6	550

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]
B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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2	LETTER ROBERT A. MCCONNELL TO GERALD WARREN KINCAID RE. CHILD SUPPORT ORDERS	1	10/27/1983	B6	551

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THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR STANLEY E. MORRIS
ASSOCIATE DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Gerald W. Kincaid

Attached is additional correspondence received in this office on a matter previously referred to you for appropriate handling.

Many thanks.

Attachment

FFF:JGR:aea 10/20/83
cc: FFFielding
JGRoberts
Subj
Chron

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THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS /s/

SUBJECT: Alan I. Marshall Correspondence

You were previously copied on correspondence between Alan I. Marshall, a convict, and the Justice Department. Marshall is complaining about the conduct of federal prosecutors. Marshall has now sent you copies of his latest correspondence. You have not responded directly to Marshall in the past and should not do so now. The matter is under review by Justice's Professional Responsibility Division.

Attachment

—

- copies of briefs in S.C. —
  why can't go forward?
- stalling?
- why does he have to get
  a lawyer?

- Alan Marshall (614) 871-4143.

→ will call Eisle + make him
aware of your concern +
see that he is proceeding
appropriately.

Did so: Eisell: doesn't have to
get an atty, thought he had
one. 10/21

THE WHITE HOUSE

WASHINGTON

September 15, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Alan I. Marshall

Alan I. Marshall was convicted in federal district court on December 18, 1981, of mail fraud and wire fraud in connection with an arson incident. Marshall was apparently granted a new trial on several counts, but his conviction on other counts was affirmed by the Sixth Circuit. Marshall plans to appeal to the Supremes. He has sent you, along with 14 other people, a copy of a six-page letter he wrote to the Justice Department Public Integrity Division. The letter raises a broad range of allegations against the U.S. Attorneys Office, the FBI, the trial judge, and the appellate judges. You should not respond. Since Marshall has sent the letter to Justice directly, no referral is necessary.

Attachment

ID # 171436 CU

JR

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

HU010

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Alan I Marshall

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Violation of his Constitutional Rights

ROUTE TO:

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
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CU AT 18	DDI	83/09/14		S	83/09/24
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ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
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Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
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5/81

171436 CU

Dear Sir:

Enclose please find a letter charging the Cleveland F.B.I. and U.S. Attorney and Court with violating my Constitution rights. I realize from talking to a few Congressman and Senators that they can't get involved in courts cases. I am not asking or due I expect any special consideration all I ask is for your office to follow through so as my charges are not buried under the carpet. This can be done by asking the U.S. Attorney Public Integrity Division what steps their taking to check into these allegation.

Thank you,

Alan I. Marshall
1-800-227-1617 Ext 494

Mr. Fielding
I spoke to your secretary and she told me to send a letter and you would possibly review it

Thank you
Alan I Marshall

P.O. Box 203
Grove City, Ohio 43123

August 26, 1983

Public Integrity Division
Department of Justice
10th & Constitution Ave. N.W.
Washington, D.C. 20530

Dear Sir or Madam:

My name is Alan I. Marshall. I am a resident of the city of Williamsville, New York but for the past three years I have worked in Columbus, Ohio.

On October 2, 1981, I was indicted by a federal grand jury impaneled by the United States District Court for the Northern district of Ohio in Cleveland, Ohio.

I was indicted on two counts of mail fraud, three counts of wire fraud and one count under the Travel Act. In the indictment, the government claimed that I rented a warehouse in Cleveland, Ohio to store my delivery trucks and meat, fish and poultry products. They claim I removed the meat, fish and poultry products from this warehouse, and hired someone to set fire to the warehouse at which time the trucks were damaged. I submitted fire, damage and theft insurance claims to insurance companies which the government claims were false. I was charged with telephone and mail fraud since I used these means to file the insurance claims.

Before my trial my lawyer, Tony Miranda, filed a Request for Discovery asking that he be informed if any witness testifying against me was promised or granted immunity. In particular, he asked whether Charles Pruner, a former employee of mine, was granted immunity. The government said immunity had been granted to no one. Charles Pruner testified against me and was the government's star witness.

On December 18, 1981 I was convicted on both mail fraud counts and on all three wire fraud counts. The Travel Act count was dismissed.

By February 24, 1982, it had come to my attention that Mr. Miranda, my attorney, was not an experienced criminal lawyer. He had not practiced in federal court nor did he know the rules of procedure. I had, unfortunately, been told that he was experienced.

Shortly after that I hired new lawyers to handle my case. It was their opinion that I had ineffective counsel. After

reviewing the grand jury testimony of Charles Pruner, the government's main witness, my new lawyers told me that Charles Pruner had been granted immunity from prosecution in exchange for his testimony against me. My trial lawyer, Mr. Miranda, had not been told that fact by the government.

As a result, another Motion for a New Trial was filed which said that because the government had not told my trial lawyer about the immunity agreement between them and Charles Pruner my due process rights had been violated.

The trial judge, Judge Krupansky reversed my conviction on three counts but let the other two counts stand. He said that conviction on those two counts was not based on Charles Pruner's testimony but on other independent evidence.

I appealed that ruling to the Sixth Circuit Court of Appeals and was recently notified that my convictions on the two counts were affirmed. I plan to appeal this ruling to the U.S. Supreme Court very soon. (However, I am all most positive that, according to the Cleveland court officials, that it will not be here, but by appealing to the Supreme Court, I am ruffling more feathers and I am blowing any chance of shock probation or an early parole.)

The following are the facts as best as I can remember and document them:

Throughout the investigation, trial and appeal process, the FBI has harassed and intimidated my wife (who I am legally separated from) and my two children who reside in Williamsville New York. They have called my wife a liar and upset my children with intimidating phone calls and visits to their home.

The FBI and the U.S. Attorney knowlingly withheld evidence from my trial attorney that would have helped in my defense. For example, they withheld the fact that their main witness, Charles Pruner had been granted immunity from prosecution. In addition they assisted him in getting probation for embezzlement in New Jersey. To this date his felony conviction has never, to my knowledge, showed up on any criminal conviction records. They also buried numerous bad check charges. It is my understanding that there is still a warrant for his arrest for one. This is inaddition to a bail jumping charge. Both the U.S. Attorney and the FBI agents knew tht Mr. Pruner and Mr. Cummings (a supporting witness) were, in fact, the ones who stole my product and tried to destroy my equipment. They were able to get Mr. Pruner released from jail in Florida to testify against me. None of this was told to me during my trial. I learned this on my own.

Further, the FBI and U.S. Atorney denied that they had any written statements from Charles Pruner their main witness. I have learned enough about the FBI from my own contacts that they write everything down. Despite this, my trial attorney and I were told no written or taped statements was taken from Charles Pruner, the government's star witness prior to his appearance before the grand jury. This was nothing but a lie and I believe that if I had such statements it would have been my defense during the trial. Mr. Arbezniak, the U.S. Attorney, made a statement to a court official that there were, in fact, three statements made by Mr. Pruner and if subpoenaed the court official would testify to that.

I believe my trial, motion hearing and sentencing transcripts were "doctored" to leave out events which were embarassing, unprofessional and in some cases grounds for appeal. For example, during my trial, my lawyer would receive large numbers of transcripts of goverment witnesses on the day of their testimony. The U.S. Attorney did this purposely so my lawyer wouldn't have time to review them. My lawyer asked the court for time prior to cross examining these witnesses to read these transcripts and Judge Krupansky denied his request. This was done on the record but when I got the transcript to appeal, this event was not recorded.

Secondly, at my sentencing on July 30, 1982, Judge Krupansky stormed out of the court room because the U.S. Attorney had not made a decision as to whether he would re-prosecute me for counts I, II and III which the court had reversed. At no time during the sentencing did Judge Krupansky inform me of my right to appeal. Yet when I got the transcript of the proceeding a statement by the judge advising me of my appeal rights was there. This was added after the fact.

In another instance, I informed the court I no longer had the funds and asked for a court appointed lawyer. It was denied. This request never appeared on the transcript. I believe that if some high authority could impound the original trial transcript without warning, my charges would be proven correct.

Shortly after the three counts were reversed and dismissed, I was informed that the State of Ohio wished to pursue prosecution of me for the same crime but on the state level. Prior to this time, the state had done nothing to initiate prosecution. Gary Arbezniak, the U.S. Attorney who prosecuted me, used to work for the Cuyahoga County Prosecutor. Strangely, right after I had three federal counts reversed and dismissed, and had refused to accept a deal from the U.S. Attorney to drop my Appeal to the Sixth Circuit in exchange for them not re-prosecuting me on the three counts.

Prior to dismissal by the U.S. Attorney, the Cuyahoga County Prosecutor, Mr. Arbeznich initiated prosecution. After making several trips to state court, a negotiated plea was arranged where I was allowed to plead no contest but would be allowed to withdraw it if I was successful in the federal appeal. This deal made the federal people furious. There is no question in my mind that Mr. Arbezniak, the U.S. Attorney who prosecuted me, was behind the county Prosecutor taking me to trial. Mr. Arbezniak has been angry ever since he got caught withholding evidence (immunity agreement with Pruner). He was even more angry when his superiors declined to re-prosecute me on the counts which were reversed.

The FBI, or Mr. Arbezniak or both tried to set me up for making telephone threats to Mr. Arbezniak and his wife. They claimed that on October 8, 1982, someone called Mr. Arbezniak's home and threatened him and his wife if he did not drop my case. I did not, nor did I have reason to make such a call as I recently had three of the five counts reversed and dismissed. They were dismissed on September 6, 1982 and the alleged phone call occurred on October 8, 1982. In response to this my new lawyers arranged for a polygraph examination which I took voluntarily. The results of the polygraph were that I did not make a threatening phone call and I did not have anybody do it. I presented a copy of this examination when I went for an interview with the U.S. Attorney William Petro in Cleveland and the Cleveland FBI. I cooperated fully even though I suspected that the federal people cooked the whole thing up themselves. During their investigation, agents from the Buffalo FBI threatened me, intimidated me and told me "they would get me one way or the other". Immediately after my last appeal brief was filed, the FBI said another phone call had been made threatening Mr. Arbezniak. This one was, alledgedly to have occurred on March 9, 1983. This time they subpoeaned me in front of a grand jury along with several members of my family, some friends and some of my former employees. They took voice prints of me and several of these witnesses. This was, of course, all done during Passover, the most significant Jewish religious week. As I am Jewish, as are all of my family and closest friends, there is no doubt in my mind that this was done purposely and maliciously by the Cleveland U.S. Attorney's office. When we objected to coming in on Passover, we were told "be there or we will send a marshall for you".

Again I believe this second alleged phone call was cooked up by the FBI or the U.S. Attorney's office as a means of harassing, threatening and causing me financial and emotional hardships. I believe if these calls were made, they were made by someone within or affiliated with the FBI or the U.S. Attorney's office. The substance of the threats themselves

suggested that only someone who was informed about my case could have made these calls. Also on at least two occasions someone has called my toll-free business number and left messages that I should contact my brother Gary at a particular number. I do have a brother named Gary but in checking the number the caller left, I found it belongs to Gary Arbezniak the U.S. Attorney who prosecuted me and who I was accused of threatening. Again, I am convinced that these unethical tactics are being used by the Department of Justice to get me into trouble and to hurt me during my appeals.

The judge who tried my case and who sentenced me was appointed to the Sixth Circuit shortly after I was sentenced. While I had some doubts about the Sixth Circuit's ability to be fair with me on my appeal, I gave them the benefit of the doubt. After reading their opinion which affirmed my conviction on counts IV and V, I am convinced that they were simply trying to protect their new associate, Judge Krupansky, and that they gave no real consideration to my case.

In short, the Sixth circuit merely tried to cover-up for the errors of both Judge Krupansky, who now sits with them, and the U.S. Attorney, Mr. Arbezniak who use to work with Judge Krupansky. I also understand that most of the cases which Judge Krupansky presided over which have been appealed have been ruled on by the same panel. In sum, my appeal to the Sixth Circuit was a fraud and a sham since the court ignored its own prior rulings in similar cases to uphold Judge Krupansky, their new colleague. Even though during oral argument the U.S. Attorney confessed error as to all five counts as a result of the non-disclosure of the immunity agreement between Pruner and the government and that the due process violation applied to all five counts, the Sixth Circuit still upheld Krupansky. They are taking it into their power to ignore the federal rules that have been laid down by congress.

I hereby formally charge the U.S. Attorney with misconduct because of suppression of evidence, presenting false evidence, encouraging perjured testimony and blackmail.

I am charging William J. Keller, FBI agent in charge, with obstruction of justice, withholding of 302 that would have helped in my case, threatening harm to my family and having knowledge of perjured testimony and encouraging it.

I charge the Sixth Circuit of willfully and intentionally disregarding the facts and federal rules to cover for a fellow colleague.

Cleveland's Federal Bankruptcy court is under investigation

now and I hope that one of the people that receive a copy of this letter will check into my charges and investigate the Federal Court as well. I feel that my charges can be proven correct.

The United States Constitution guarantees our right to a fair trial with no politics involved. I feel, however, that my constitutional rights have been violated and I have not been afforded a fair trial.

Enclosed you will find research I have done concerning misconduct in the Northern District of Ohio court over the past three years.

Thank you for taking the time to read my letter. If you need any further imformation or would like to talk to me about this, I can be reached at 1-800-227-1617, Ext. 494. I sincerely hope you will be able to help me.

Very truly yours,

Alan I. Marshall

Alan I. Marshall

cc: Sen. Daniel P. Moynihan
Anti-Defamation League
American Bar Association
Con. Jack Kemp
Am. Civil Liberties Union
Sen. Strom Thurmond
Con. Peter Rodino
Sen. Alfonse M. D'Amato
Con. Henry J. Nowak
Con. John J. Lafalce
Wm. Webster. FBI
Wm. French Smith, Atty. Gen.
Public Integrity, Div., FBI
Robert Carter, Attorney

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS /S/

SUBJECT: Weston Adams

You had two follow-up questions on my October 4 memorandum on Weston Adams. The responses follow.

[redacted]

b6

THE WHITE HOUSE

WASHINGTON

October 4, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS JGR

SUBJECT: Weston Adams

I have reviewed the SF-278 and associated forms completed by Weston Adams in connection with his prospective nomination to be Ambassador to Lesotho.

[redacted]

b6

I have no objection to proceeding with this nomination, although Adams should be prepared to respond to questions concerning the admissions policies of the Hammond Academy.