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U.S. Department of Justice
Office of the Attorney General

Counselor to the Attorney General

10/25/84

Note to John Roberts:

The attached statement refers to the Denver tax case about which you inquired. Please note that DeCair has given this to 60 Minutes, but not to any other media. He will make it more generally available only if and when 60 Minutes runs its piece.

Best regards.

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Department of Justice

Re: United States v. Kilpatrick

-- Not generally released

October 22, 1984

STATEMENT BY TOM DeCAIR TO '60 MINUTES'

This is a very important prosecution aimed at allegations of extraordinarily serious, large-scale tax fraud. Involving some \$122,000,000, it is one of the largest tax fraud prosecutions in United States history. We have carefully reviewed the decision and opinion of the trial court, and we feel strongly that we must proceed with this case either through appeal or by seeking reindictment from a new grand jury. We have a responsibility to all honest taxpayers to protect the integrity of the tax system.

The rulings and statements of Judges Winner and Kane are extreme and unjustified. We are convinced that, on the whole, they do not fairly reflect either the facts or the law in this case. That does not mean that we have failed to take the charges of prosecutorial misconduct seriously. The matter was referred to the Office of Professional Responsibility, a watchdog unit charged with investigating allegations of misconduct by Department of Justice professionals. After an extensive and independent investigation, that Office concluded that, although there may have been instances in which the prosecutors did not fully comply with certain rules of criminal procedure, those instances did not prejudice the rights of the defendants, undermine the independence of the grand jury, or even warrant disciplinary action.

After a thoroughgoing review, we can find no basis for abandoning our prosecution of this large-scale tax fraud.

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